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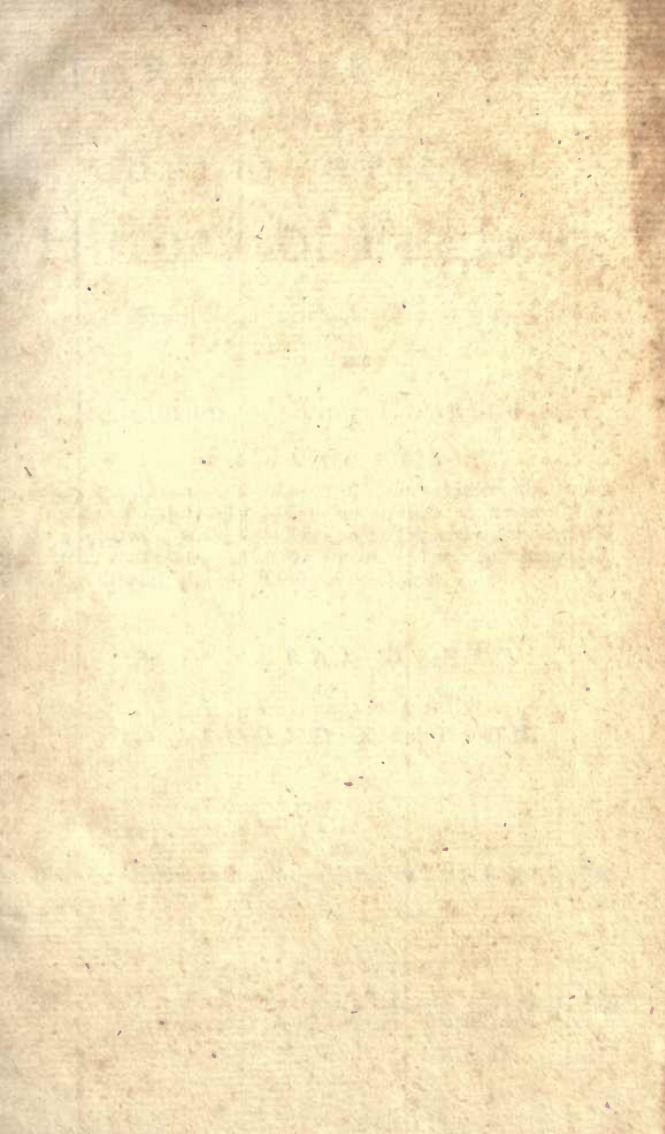


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T H E
P A R L I A M E N T A R Y
O R
C O N S T I T U T I O N A L
History of England;

From the earliest T I M E S,
T O T H E
Restoration of King C H A R L E S I I.

C O L L E C T E D
From the RECORDS, the ROLLS of PARLIAMENT, the JOURNALS of both HOUSES, the public LIBRARIES, original MANUSCRIPTS, scarce SPEECHES, and TRACTS; all compared with the several Contemporary WRITERS, and connected, throughout, with the History of the Times.

By S E V E R A L H A N D S.

The S E C O N D E D I T I O N.

V O L. II.

From the Accession of King *Henry* IV. to the Death of King *Henry* VII.

L O N D O N,

Printed for J. and R. TONSON, and A. MILLAR, in the *Strand*; and
WILLIAM SANDBY, in *Fleet-Street*. MDCCLXII.

PARLIAMENTARY

OF THE

History of England

from the earliest times to the present

Reformation of King Charles II.

By the Rev. John Gough, D.D., of the University of Cambridge, and of the Society of Jesus.

IN SEVERAL VOLUMES.

THE SECOND EDITION.

VOL. II.

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T H E

Parliamentary History

O F

ENGLAND.



T may well be said that *Henry IV.* began his Reign at the Instant King *Richard* was committed Prisoner to the Tower ; for we do not find that he ever did one Act of State afterwards^a. The new-elected King did not claim the

The Accession of
King Henry IV.

Crown by that Right only, as judging it too precarious ; but trumped up a much worse Title to it, by drawing his Pedigree from *Edmund*, surnamed *Crouchback*, as eldest Son of King *Henry III.* when it was then, and is now, notorious, that the said *Edmund* was only second Son to *Henry III.* On the Day of his Coronation, however, he took more Strings to his Bow ; and by Proclamation, then made, he claimed the Crown of *England*, First, By Conquest ; Secondly, Because King *Richard* had resigned that Dignity, and designed him

VOL. II.

A

for

^a The last that we find, in the *Public Acts*, is dated at *Westminster*, September 20, the Day before he was sent to the Tower.

King Henry IV. for his Successor; and, *lastly*, Because he was of the Blood Royal, and next Heir Male^b unto King Richard.

[2]

We shall not dispute any further the Validity of any of these Titles: The strongest Arm then carried it; but there was another Person then in Being, who, after the Death of King Richard without Issue, had been publicly proclaimed Heir Apparent to the Crown. This was *Edmund Mortimer*, Earl of *March*, Son to *Roger Mortimer*, slain in *Ireland*, who was descended from *Lionel Duke of Clarence*, elder Brother to *John Duke of Lancaster*, King Henry's Father, by his Mother *Phillipa*, only Daughter and Heir to the said *Lionel*. And therefore, says another Historian^c, the said *Edmund* thought himself nearer Heir Male to the Succession of the Crown, as indeed he was, than he that, by 'Colour of Right claiming it, carried it by Dint of 'Sword.' But this Earl well considered that the Torrent of the Times was far too impetuous for him to withstand, and therefore wisely withdrew himself from all public Affairs to his Castle and Barony of *Wigmore*, in *Herefordshire*, where he lived a private Life for several Years: For, as a modern Historian well observes, he had no other Way to secure his Repose, and even his Life, against the Suspicions of a Prince whose Interest it was to destroy him. And it was but too probable that the new King would embrace the first Occasion to free himself from the Uneasiness which such a Rival could create^d.

But, let the Steps to the Throne have been ever so slippery and dangerous, *Henry* found himself safely placed in it, and fortified there by the Sanction of the two Houses of Parliament. Some Historians have hinted, that the Lower House was hardly brought to consent to the Deposition of the late King; but at length was overawed by the Great-ones, to a Compliance with it^e. But this does not appear upon Record by the Proceedings of the next Parliament, which *Henry* had called, and

[3]

was
^b *Heres Malus*, indeed, quoth *Edmund Mortimer* to his secret Friends, and so is the Pirate to the Merchant, when he robberth him of all he hath. *Sir John Hayward*, p. 99.

^c *Hall's Chronicle*, Fol. X.

^d *Rapin's History of England*, Fol. Edit. p. 484.

^e *Sir John Hayward*.—*Biondi's Hist. of the Civil Wars*. p. 41.

was to meet at *Westminster* on the 6th of *October* fol- King *Henry IV*
lowing.

We have sufficiently taken Notice what collusive Doings had been acted in calling these two Parliaments, the latter of which was to meet six Days after the former was dissolved; but were indeed the same individual Persons, both in Lords and Commons, as the former ^f.

The before modern Writer makes a just Reflection on this Piece of Chicanery, which we shall give in his own Words as follows:

‘To proceed according to Custom, the Representatives must have been chosen anew. But *Henry* did not think fit to run the Risque of a less favourable Parliament than that which had so heartily espoused his Cause. He was contented therefore with empowering the same Representatives to make, with the House of Lords, a new Parliament under his Authority. I shall not venture to decide, whether this Proceeding was somewhat irregular, or authorized by any former Precedent: But, be that as it will, the same Parliament met again on the 9th of *October* ^g, as if called by the new King.’

We shall now proceed to quote from more certain Authorities, which are the Records themselves; advertising the Reader, that since now *Dr. Brady* and *Mr. Tyrrel* are both silent, to avoid a Repetition of needless Notes, the Substance of Parliamentary Proceedings, in this and some succeeding Reigns, are wholly taken from the Parliament Rolls, and what is called *Sir Robert Cotton's* Abridgement of them; and, where any Matter is advanced otherwise, the Authors shall then be noted.

But it cannot be amiss, in the Beginning of this Parliament, to give the Names of the Peers summoned to it by the second Writ, in *Henry's* Name: And as these, with the Peers called to the first, stand, in the Abridgement, on two opposite Pages, there is no Difference except in the Names of the Kings; and, in the former, *Sir Thomas Erpingham* is put as Warden of the Cinque Ports, which in the other he is not. The first Writ is thus directed, *Rex* [*Richardus*] *Sc. dilecto Consanguineo suo Henrico Duci Lancastriæ Salutem, Sc. apud West-*
monasterium

A 2

[4]

^f See Vol. I. p. 502, 527.

^g *Rapin*, Vol I. p. 484. He should have said the 6th.

King Henry IV. *monasterium in Crastino St. Michaelis proximo futuro. Teste Rege apud Cestriam xxix. Die Augusti.* The other is, *Rex [Henricus] &c. Henrico Duci Lancastriæ [Filio suo] &c. apud Westmonasterium, in Festo Sanct. Fidis Virginis, sexto Die Octobris, 1399. Teste Rege apud Westmonasterium, 30 Septembris.* Next follow the Names and Titles of the Peers ^h.

A Parliament
called at West-
minster.

Edmund Duke of York,	William Lord Roos, of
Edward Duke of Albemarle,	Hamlake,
Thomas Duke of Surrey,	Henry Lord Fitz-Hugh,
John Duke of Exeter,	William Lord Ferrers, of
John Marquis of Dorset,	Groby,
Thomas de Beauchamp, Earl	Thomas Lord Morley,
of Warwick.	Richard Lord Scrope,
Aubrey de Vere, Earl of	Hugh Lord Burnel,
Oxford,	Thomas Lord Berkeley, of
Edward Courtney, Earl of	Berkeley,
Devon,	John Lord Welles,
John de Montacute, Earl of	Philip Lord Despenser,
Sarum,	Almaric Lord St. Amand,
Henry Percie, Earl of Nor-	Ralph Lord Cromwell,
thumberland,	Ralph Lord Lumley,
Edmund Earl of Stafford,	Ralph Lord Greystock,
Michael de la Pole, Earl of	Robert Lord Harrington,
Suffolk,	John Lord Darcy,
Thomas de Percie, Earl of	Walter Lord Fitz-Walter,
Worcester,	William Lord Willoughby,
Thomas le Despenser, Earl	John Lord Cobham,
of Gloucester,	William Lord Dacre,
Ralph Nevile, Earl of	William Lord Nevile, of
Westmoreland,	Hallamshire,
Thomas Lord de Camois,	Richard Lord Seymore,
John Lord Bouchier,	William Beauchamp, Lord
John Lord Charleton, de	Bergavenny,
Powys,	John Lord Lovell, of Tich-
William Lord Clinton,	marsh,
Thomas Lord De la Ware,	Richard Lord Grey, of Co-
Stephen Lord Scrope, of	donore,
Masham,	

Reginald

^h There is a Mistake in Dugdale's *Summons to Parliament*, in placing the Writs for calling a Parliament at York the first Year of this King, instead of the second; and putting it before this Parliament at Westminster, as the Dates of the Writs themselves will evidently shew.

Reginald Lord Grey, of Ruthin,
Robert Lord Scales,
Thomas Lord Bardolf, of Wormgay,
Peter Lord Mauley.

On Monday, being the 6th of October, these Peers, with the Bishops and Commons of England, being assembled in the Great Hall at Westminster, and the new King placed in the Royal Throne, by his Command Thomas Arundele, Archbishop of Canterbury, declared, 'That this Parliament was summoned by King Richard, to be held the Tuesday next before; which Summons was annulled and made void by the accepting of the Renunciation of the said King Richard, and deposing of him; which was done the same Day in the Presence of the King, Lords, and Commons, as by the Process hereafter to be read would appear.

The Archbishop of Canterbury informs them of King Richard's Deposition.

He then told them, 'That this most famous Realm, abounding in all Felicities, had been long governed by Children and young Counsellors, and would utterly have been ruined and wasted, had not God sent a wise and discreet Man to govern the same, who meant, by God's Help, to be governed himself by the wise and old Heads of the Realm.'

After this he took for his Text these Words out of Maccabees, *Incumbit nobis ordinare pro Regno*, i. e. It is the King's Will to be governed by the honourable, discreet, and sage Men of the Realm, and by their common Consent; and not by his Will or Humour to rule the same. He further laid great Strefs on this, 'That this Nation, of any under the Sun, might best support and live with- in itself, alledging for Authority this Adage, *Quod inter Regna, hoc Principatum tenet*.

To these he added, 'That to every good Govern- ment three Things were required; First, Justice; next, 'That the Laws should be duly observed; and, lastly, 'That every Degree of Men, in their several Voca- tions, should be encouraged and protected.' He brought many Reasons why this Nation ought to be well go- verned, and said, 'That their new King intended strict- ly to observe these three Points.'

He concluded with acquainting them, 'That Henry, their King and Lord, meant to be crowned on the Monday following, after which he would wholly ad-

King Henry IV. 'dicted himself to the Care of the Commonwealth; and
'desired the Commons that they would consent to have
'the Parliament continued or adjourned to the Tuesday
'following.' After this Harangue was ended, Henry
Percie, Earl of Northumberland, and Constable of Eng-
land, demanded of the Lords and Commons, whether
they would agree to this Continuance; who, being all
and severally examined, consented thereto.

Then the Receivers and Triers of Petitions for Eng-
land, Ireland, Wales, and Scotland, were appointed,
with those for Gascoigny, and other Places beyond the
Seas, with the Isles.

The next Thing they went upon, was to read the
Record of the Renunciation of King Richard II. with
their Acceptance of the same, and the Deposition of the
said King, as follows:

*The Roll of Parliament summoned and holden at West-
minster, on the Feast of St. Faith the Virgin, in the first
Year of the Reign of King Henry IV. after the Con-
quest, Membrane xx.*

*The Record and Process of the Renunciation of King
Richard II. after the Conquest, and likewise the Ac-
ceptance of the same Renunciation, with the Deposi-
tion of the same King Richard afterwards ensuing¹.*

[7] 'BE it remembered, that, on Monday the Feast of
'St. Michael the Archangel, in the 23d Year of
'the Reign of King Richard II. the Lords Spiritual and
'Temporal, and other Persons of Note; that is to say,
'the Lord Richard le Scrope Archbishop of York, John
'Bishop of Hereford, Henry Earl of Northumberland, and
'Ralph Earl of Westmoreland; the Lord Hugh de Burnel,
'Thomas Lord de Berkeley, the Prior of Canterbury with
'the Abbot of Westminster, William Thyrning, Knight,
'and John Markham, Justices; Thomas Stow and John
'Burbache, Doctors of Laws, Thomas de Erpingham
'and Thomas Gray, Knights, William de Feryby and
'Dio-

¹ It was printed, from an attested Copy in the original Languages, by
Sir Roger Twisden, at the End of his Edition of the *Decem Scriptores
Historiae Anglicanae*, col. 2743. But this Translation is taken from the
History of the Life and Reign of Richard II. by a Person of Quality. 8vo.
Lond. 1681. p. 192, &c. and compared with the Original on the Rolls of
Parliament.

‘ *Dionysius Lapham*, Public Notaries, first deputed King Henry IV.
 ‘ to the Act under-written, by the Assent and Advice
 ‘ of several of the Lords Spiritual and Temporal, and
 ‘ of the Judges and others, skilful as well in the Civil
 ‘ and Canon Law, as in the Laws of the Realm, as-
 ‘ sembled at *Westminster* in the usual Place of Council,
 ‘ did, about Nine of the Clock, come to the Presence of
 ‘ the said King, being within the Tower of *London* :
 ‘ And it being recited before the said King, by the said
 ‘ Earl of *Northumberland*, in the Behalf of all the rest
 ‘ beforenamed, so as aforesaid joined with him, how the
 ‘ said King heretofore at *Conway* in *North-Wales*, being
 ‘ at Liberty ^k, did promise unto the Lord *Thomas Arch-*
 ‘ bishop of *Canterbury*, and the Earl of *Northumberland*,
 ‘ that he would yield up and renounce the Crown of
 ‘ *England* and *France*, and his Regal Majesty, for Causes
 ‘ of his Inability and Insufficiency, there by the said
 ‘ King himself confessed, and that in the best Manner
 ‘ and Form the same could be done, as Counsel learned
 ‘ should best order; the said King, before the said Lords
 ‘ and others above-named, hereunto benignly answered,
 ‘ *That he would, with Effect, accomplish what before in*
 ‘ *that Behalf he had promised*; but desired to have some
 ‘ Discourse with his Cousins, *Henry Duke of Lancaster*,
 ‘ and the said Lord Archbishop of *Canterbury*, before he
 ‘ fulfilled such his Promise.

‘ Afterwards, the same Day after Dinner, the said
 ‘ King, much affecting the coming of the said Duke of
 ‘ *Lancaster*, and having long waited for him, at last the
 ‘ said Duke of *Lancaster*, the Lords, and others above-
 ‘ named, and also the said Archbishop of *Canterbury*,
 ‘ did come to the Presence of the said King in the Tower
 ‘ aforesaid; the Lords *de Roos*, *de Willoughby*, and *de Ber-*
 ‘ *gavenny*, and very many others, being then there pre-
 ‘ sent; and after the said King had had Discourse with the
 ‘ said Duke of *Lancaster* and Archbishop, exhibiting a
 ‘ merry Countenance here and there amongst them to Part
 ‘ thereof, as appeared to those that stood round about,
 ‘ at last the said King, calling to him all that were there
 ‘ present, did publickly say before them, *That he was*
 ‘ *ready to make the Renunciation, and to renounce and*
 ‘ *recede*

[8]

^k See Vol. I. p. 501, 526. in sua Libertate existens, &c. Rot. Parl.
 Henry IV. No. 10.

King Henry IV. *recede according to the Promise by him made as aforesaid, and so forth, although, as was said unto him, he might have made some Deputy to have served as the Organ of his Voice, for avoiding so tedious a Labour as the reading of the said Cession and Renunciation, reduced by others into a Schedule of Parchment; yet the said King, very willingly as appeared, and with a pleasant Countenance, holding the said Schedule in his Hand, said, That he himself would read it, and distinctly read the same through; and also did absolve all his Liege People, and renounce, and recede, and swear, and other Things did say and pronounce in Reading, and did subscribe it with his own Hand, as is more fully contained in the said Schedule; the Tenor whereof is such.*

The Form of K.
Richard's Resig-
nation of the
Crown.

IN the Name of God, Amen. I Richard, by the Grace of God, King of England and France, and Lord of Ireland, do absolve the Archbishops, Bishops, and other Prelates of Churches, Secular or Regular, of whatsoever Dignity, Degree, State, or Condition they be; the Dukes, Marquisses, Earls, Barons, Vassals, and Valvasors, and all and every my Liege People whatsoever, Ecclesiastics or Seculars, of all the said Kingdoms and Dominions, by what Name soever they are known, from the Oath of Fealty and Homage, and other Oaths whatsoever to me made, and from all Bond or Tye of Liegance, Royalty, and Dominion, whereby they have been or are obliged, or otherwise in any Manner bound unto me. And I do free, release, and acquit them and their Heirs and Successors for ever, from the said Oaths and other Obligations whatsoever. And I do dismiss them free, unloosen, quit, and in full Immunity, as far as relates to my Person, to every Effect of Law which may follow from the Premisses, or any of them. And I do purely, of my own Accord, simply and absolutely, in and by the best Manner, Way, and Form that may be in these Writings, renounce and totally resign all Kingly Dignity and Majesty, and the Crown, and Dominion, and Power of the said Kingdoms and Dominions, and all other my Dominions and Possessions, or any way belonging or appertaining unto me, by what Name soever they may be reckoned up within the aforesaid Kingdoms, or elsewhere; and all Right and Colour of
Right

Right and Title, Possession and Dominion, which at any Time I have had, now have, or by any Means shall have, in or to the same, or any of them, with their universal Rights and Appurtenances, or any Dependencies however on them, or any of them: And also the Rule and Government of the said Kingdoms and Dominions, and their Administration, and all Manner of meer and mixt Empire and Jurisdiction to me in the said Kingdoms belonging, or that may be belonging; and to the Name of King, and the Honour, Regality, and Celsitude Royal, purely, voluntarily, simply, and absolutely, by the best Manner, Way, and Form that the same can be done in these Writings, I do renounce, and them do totally resign, and in Deed and in Word dismiss and quit the same, and from them do recede for ever. Saving to my Successors, Kings of England, the Rights to them or any of them belonging, or that shall any way belong, in the said Kingdoms or Dominions, and all other the Premisses for ever. And I do confess, acknowledge, repute, and truly, and out of certain Knowledge, do judge myself to have been, and to be, utterly insufficient and unuseful for the Rule and Government of the said Kingdoms and Dominions, with all their Appurtenances; and that for my notorious Demerits I deserve to be deposed. And I do swear upon these Holy Gospels of God, by me corporally touched, that I will never act contrary to the said Resignation, Renunciation, Dismission, and Cession; nor any way oppose the same in Deed or in Word, by myself or any other or others: Nor will, as much as in me lies, permit the same publicly or privately to be contraried or opposed; but the said Renunciation, Resignation, Dismission, and Cession, will for ever esteem ratified and well-pleasing, and firmly hold and observe the same in the whole and in every Part. So God me help, and these Holy Gospels of God.

[10]

I, the before-named King Richard, do here subscribe myself with my own Hand.

‘ And presently to the said Renunciation and Cession, the said King added, by Word of Mouth, *That if it lay in his Power the said Duke of Lancaster should succeed him in his Kingdom: But because, as he said, this did not depend on his Pleasure, he did request the said*

Arch-

King Henry IV. Archbishop of York, and Bishop of Hereford, whom he, for that Time, had constituted his Procurators, to declare and intimate such his Cession and Renunciation to the States of the Kingdom, *That they would be pleased to signify to the People his Will and Intention in that Behalf.* And, in Token of such his Will and Intention, did, then and there, openly pluck off the Golden Ring of his Signet from his own Finger, and put it upon the Finger of the said Duke of Lancaster, desiring, as he affirmed, *That the same might be made known to all the States of the Kingdom.* Which being done, taking their Leaves on both Sides, they all went out of the said Tower, to return to their Lodgings.

But on the Morrow, viz. Tuesday, the Feast of St. Jerome, in the Great Hall at Westminster, in the Place honourably prepared for holding the Parliament, the said Archbishops of Canterbury and York, and the Duke of Lancaster, and other Dukes and Lords, as well Spiritual as Temporal, whose Names are under-written, and the Commons of the said Kingdom, assembled in a great Multitude in Parliament, being present, and the said Duke of Lancaster being seated in a Place due to his Quality, and the Chair of State^m being solemnly adorned with Cloth of Gold, but then empty, without any Person whatever presiding therein; the above-named Archbishop of York, in the Name of himself, and of the said Bishop of Hereford, according to the Order of the said King, did publickly declare the Cession and Renunciation to have been so made by him as aforesaid, with the Subscription of his Royal Hand, and Delivery of his Signet. And the said Cession and Renunciation did there cause to be read by another, first in *Latin*, and then in *English*.

Immediately after which it was demanded of the Estates and People there present, to wit, first of the Archbishop of Canterbury, to whom, by reason of the Dignity and Prerogative of his Metropolitan Church of Canterbury, it belongs in this Behalf to have the first Voice amongst the rest of the Prelates and Nobles of the Realm, *Whether, for their Interest and the Utility of the Kingdom, they would be pleased to ad-*

mit

^m Or Royal Throne.

‘ mit such Renunciation and Cession. And the said States King Henry IV.
‘ and People, judging from the Causes by the said King
‘ himself, in his Renunciation and Cession aforesaid,
‘ signified that the same was very expedient, did each
‘ Man singly by himself, and in common with the
‘ People, unanimously admit the said Cession and Re-
‘ nunciation.

‘ After which Admission, it was then and there pub-
‘ lickly declared, That, besides such Cession and Renun-
‘ ciation, so as aforesaid admitted, it would be very ex-
‘ pedient and profitable to the Kingdom, for the re-
‘ moving of all Scruples, and taking away sinister Sus-
‘ picions, that very many Crimes and Defects by the
‘ said King, about the ill Governance of his Kingdom,
‘ very often committed, reduced into Writing by way
‘ of Articles, by reason of which, as himself affirmed
‘ in the Cession by him made, he was deservedly to be
‘ deposed, should be publicly read and declared to the
‘ People: And so the greatest Part of the said Articles
‘ were then and there read through. The Tenor of
‘ all which Articles is such.

*But yet in the Roll, before the Articles, there are first
these Words.*

‘ Here followeth the Form of the Oath that is used
‘ and accustomed to be taken by the Kings of England,
‘ at their Coronation; which the Archbishop of Canter-
‘ bury hath used to require and receive from the said
‘ Kings, as in the Books of the Pontifical of the Arch-
‘ bishops and Bishops is more fully recorded.

‘ Which Oath Richard II. after the Conquest of
‘ England, did take at his Coronation; and the same
‘ was administred by the Archbishop of Canterbury, and
‘ the very same Oath the King afterwards repeated, as
‘ in the Rolls of the Chancery may more fully be found
‘ of Record.

[12]

‘ Thou shalt keep to the Church of God and People en-
‘ tire Peace and Concord in God, according to thy Power.
‘ The King shall answer, I will keep them.

‘ Thou shalt in all thy Judgments cause to be done equal
‘ and right Justice and Discretion, in Mercy and in
‘ Truth, according to thy Power. He shall answer, I
‘ will so do.

‘ Thou dost grant the just Laws and Customs, as shall
be

King Henry IV. *' be held, and dost promise the same shall by thee be protested, and, for the Honour of God, corroborated, quas vulgus elegerit, which the People shall chuse, to the utmost of thy Power. He shall answer, I do so grant and promise.*

' To the aforesaid Questions, such others are added as shall be just; and all Things being so pronounced, the King, by his own Oath on the Altar, before all the Assembly, confirms and promises that he will keep and observe the same.'

Then follow the Objections or Articles against the King, touching his Deposition.

The Articles
against him.

Imprimis, It is objected against King *Richard*, That whereas, by reason of his ill Government, *viz.* His giving away the Goods and Possessions belonging to his Crown, and that to Persons unworthy; and his indiscreet squandering the same away otherwise, and to that End imposing, without Cause, Collections and other grievous Burdens on his People, more than they were able to bear; and also innumerable other Evils by his Assent and Command perpetrated, there were, by the whole Parliament, certain Prelates and others, Temporal Lords, elected and assigned, who might, with all their Power, and at their own Charges, faithfully labour about the just Government of the Realm: Yet the King causing a Conventicle to be held by him, with his Accomplices, the said Lords, as well Spiritual as Temporal, so occupied about the Safety and Profit of the Kingdom, did propose to impeach of High Treason, and did violently draw the Judges of the Kingdom, for Fear of Death and corporal Tortures, to such his wicked Purpose, most vigorously striving to destroy the said Lords^m.

[13]

II. The said King lately, at *Shrewsbury*, caused several, and the greater Part, of the Judges to come before him and his Favourites privately in a Chamber, and, by Menaces, and various Terrors, and such Affrightments as might fall even upon Men of constant Resolutions, did induce, cause, and compel them severally to answer certain Questions there propounded, on the Behalf of the King,

King, concerning the Laws of his Kingdom, besides King Henry IV. and against their Will, and otherwise than they would have answered, had they been at Liberty and unforced. By Colour of which Answers, the said King purposed to have proceeded afterwards to the Destruction of *Thomas Duke of Gloucester*, and the Earls of *Arundele* and *Warwick*, and other Lords, against whose Deeds and Behaviour the said King was much incensed, chiefly because they desired the said King to be under good Guidance; but, Providence withstanding it, by the Resistance and Power of the said Lords, the King was not able to bring such his Design to Effectⁿ.

III. When the Lords Temporal, defending themselves, had withstood his Malice and Fraud, and the said King had prefixed a Day for holding his Parliament to do them, and other Inhabitants of the Realm, Justice in that Behalf, and the said Temporal Lords were quietly and peaceably gone home, and at Rest in their Houses, in Hope and Confidence of the said Parliament, the King secretly sent the Duke of *Ireland* with his Letters and Standard towards *Chester*, and there gathered Multitudes in Arms, and caused them to rise against the said Lords, the Nobles of the Kingdom, and Servants of the State, publicly erecting his Standard against the Peace which he had sworn to keep; from whence Slaughters of Men, Captivities, Dissentions, and other infinite Mischiefs, did ensue throughout the whole Kingdom; by which Act he became guilty of Perjury^o.

IV. Although the said King had, in full Parliament, and by the Assent thereof, pardoned the said Duke of *Gloucester*, and Earls of *Arundele* and *Warwick*, and all their Assistants and others, all Offences; and had, for many Years, shewn Signs of Peace and Love to the said Duke and Earls, and to the rest appeared with a pleasant and benign Countenance; yet the said King always and continually bearing Gall in his Heart, did at last, taking an Opportunity, cause the said Duke of *Gloucester*, the Uncle of him the said King, and also the Son of *Edward* the late King of *England*, of happy Memory, and Constable of *England*, then humbly going to meet the said King, in solemn Procession, and the said Earls of *Arundele* and *Warwick*, to be taken and arrested, and him the

[14]

King Henry IV. the said Duke out of the Kingdom of *England*, to the Town of *Calais*, did cause to be led, and there imprisoned, and under the Custody of the Earl of *Nottingham*, one of the Appellors of the said Duke, detained, and without Answer, or any lawful Process whatsoever, did inhumanly and cruelly cause to be suffocated, strangled, and murdered: And the Earl of *Arundele*, though he pleaded as well the general Pardon, as a Pardon afterwards to him specially granted, and desired Justice to be done him, yet, in his Parliament, encompassed with armed Men, and innumerable Archers of the People by him gathered to that Purpose by pressing, did damnably cause to be beheaded: And the Earl of *Warwick* and Lord *Cobham* did commit to perpetual Imprisonment, wickedly and against Justice, and the Laws of his Kingdom, and his expresse Oath, confiscating their Lands and Tenements, as well Fee-Simple as Fee-Tail, from them and their Heirs, and giving the same to their Appellors ^P.

V. At the same Time that the King in his Parliament caused the Duke of *Gloucester*, and Earls of *Arundele* and *Warwick*, to be adjudged, that he might more freely exercise his Cruelty upon them, and accomplish his injurious Will in other Matters, he gathered to himself a great Multitude of Malefactors of the County of *Chester*, of whom some passing with the King thro' the Kingdom, as well within the King's Palace as without, did cruelly kill the Liege Subjects of the Kingdom, and some they beat and wounded, and did plunder the Goods of the People, and refuse to pay for their Victuals, and did ravish and violate their Wives and other Women; and though there were grievous Complaints, of such their Excesses, brought to the Hearing of the said King, yet the said King did not regard to cause Justice to be done, or any Remedy thereupon, but did favour the said Troops in such their Evil-doings, trusting in them and their Guard, against all others of his Kingdom; for which Cause the faithful People of his Kingdom had great Matter of Commotion and Indignation ^q.

VI. Although the said King, by his Writs, caused Proclamation to be made throughout the whole Kingdom, that he had caused his Uncle the Duke of *Gloucester*, and the Earls of *Arundele* and *Warwick*, to be taken

taken and arrested, not for any Assemblings or Troop-^{King Henry IV.}ings by them formerly made within the Kingdom of *England*, but for very many Extortions, Oppressions, and other Things by them afterwards done and perpetrated against his Royalty and Kingly Majesty; and that it was not his Intention that any of the Family of the said Duke and Earls, or of their Followers, at the Time of such Assembling and Trooping, should for that Occasion be molested or aggrieved; yet the said King at last, in his Parliament, did not impeach the said Lords for Extortions, Oppressions, or any such Matters; but, for the Assemblings and Troopings aforesaid, did adjudge them to Death; and very many of the Family of the said Lords, and others who were following them at the Time of such their Assembling and Trooping, he did, for Fear of Death, force to make Fine and Ransom, as Traitors or Rebels; to the great Destruction of a great Number of his People: And so he did subtilly, fraudulently, and maliciously deceive the said Lords and their Domestics, and the People of his Kingdom^r.

VII. After very many of those Persons, so making Fine and Ransom, had obtained of the King his Letters Patent of full Pardon in the Premisses, they could not reap any Commodity by such Letters of Pardon, till they had made new Fines and Ransoms for saving of their Life, whereby very many were impoverished; which was a great Derogation and Dishonour to the Name and State of a King.

[16]

VIII. In the last Parliament held at *Shrewsbury*, the said King, purposing to oppress his People, subtilly procured, and caused it to be granted, *That the Power of the Parliament, by the Consent of the States of this Kingdom, should remain in certain Persons, to determine, after the Dissolution of the Parliament, certain Petitions in the said Parliament exhibited, but then not dispatched.* By Colour of which Grant, the Persons so deputed proceeded to other Things generally touching that Parliament: And this, with the Will of the King, in Derogation of the State of Parliament, and the great Damage of the whole Kingdom, and pernicious Example. And that they might seem to have some Colour and Authority for such their Doings, the King caused the Parliam-
ment

King Henry IV. ment Rolls to be altered and blotted at his Pleasure, against the Effect of the said Grant ^s.

IX. Notwithstanding the said King at his Coronation had sworn, *That, in all his Judgments, he would cause to be done equal and right Justice and Discretion, in Mercy and Truth, according to his Power*; yet the said King rigorously, without all Mercy, did, amongst other Things, ordain, under grievous Penalties, that none should sue for any Favour, or intercede with the said King, for *Henry Duke of Lancaster*, being banished; whereby the said King did act against the Bond of Charity, rashly violating his Oath aforesaid ^t.

X. Although the Crown of the Kingdom of *England*, and the Rights of the said Crown, and the Kingdom itself, have, in all Time past, been so free, that our Lord the Pope, nor any other without the Kingdom, ought to concern himself about the same; yet the aforesaid King, for the Corroboration of such his erroneous Statutes, did make Supplication to our Lord the Pope, that he would confirm the Statutes ordained in his last Parliament; whereupon our Lord the Pope granted his Apostolic Letters, in which grievous Censures are denounced against any that should presume in any Thing to act contrary to the said Statutes; all which are well known to tend against the Crown and Royal Dignity, and against the Statutes and Liberties of the said Kingdom ^u.

[17]

XI. Although the Lord *Henry*, now Duke of *Lancaster*, by the King's Command, had preferred his Bill touching the State and Honour of the King, against the Duke of *Norfolk*, and the same had duly prosecuted, so that, according to the King's Order, he had exhibited himself in all Points prepared for the Combat; and the said King had declared, that the said Duke of *Lancaster* had honourably performed his Devoir as much as in him lay, and this by a Decree publicly proclaimed before all the People assembled at the said Combat: Yet the said King, without any legal Reason whatsoever, did cause and command the said Duke to be banished for ten Years, against all Justice, and the Laws and Customs of this Kingdom, and the Law of War in that Behalf, thereby damnably incurring Perjury ^x.

XII.

^s Vol. I. p. 492, 517. ^t *Ibid.* p. 495, 520. ^u *Ibid.* p. 486, 512.
^x *Ibid.* p. 494, 519.

XII. After the said King had graciously granted, by King Henry IV. his Letters Patent, to the Lord *Henry*, now Duke of *Lancaster*, that, in his Absence, whilst he was banished, his General Attornies might prosecute for Livery to him to be made of all Manner of Inheritance or Successions belonging unto him, and that his Homage should be respited, paying a certain reasonable Fine; he injuriously did revoke the said Letters Patent, against the Laws of the Land, thereby incurring the Crime of Perjury ^a.

XIII. Notwithstanding that it was enacted, That every Year the Officers of the King, with his Justices and others of the King's Council, should chuse Sheriffs for all the Counties of *England*, and name them to our Lord the King, according as to their Discretion and Conscience should seem expedient, for the Good and Utility of the Kingdom; the said King hath caused Persons to be made Sheriffs, not so nominated or elected, but others according to the Capricio's of his Pleasure, sometimes his Favourites or Creatures, and sometimes such as he knew would not oppose his Humour, for his own and others private Advantage, to the great Grievance of his People, and against the Laws of his Kingdom, thereby notoriously incurring Perjury ^b.

[18]

XIV. At such Time as the aforesaid King requested, and had of very many Lords and others of his Kingdom, divers Sums of Money, by Way of Loan, to be paid again at a certain Term; notwithstanding the said King faithfully promised, by his several Letters Patent, to the several Persons of whom he borrowed the said Monies, that, at the Term limited as aforesaid, he would repay the same, yet he did not fulfil such his Promise, nor are they yet satisfied the said Monies; whereby such Creditors are much aggrieved, and not only they, but many others of the Kingdom repute the King unfaithful.

XV. Whereas the King of *England*, by the Revenue of his Kingdom, and the Patrimony belonging to his Crown, is able to live honestly, without the Oppression of his People, as long as the Kingdom is not burdened with the Charge of Wars; yet the said King, in a Manner for his whole Time, during the Truces between the Kingdom of *England* and its Adversaries, hath not only given away a great, yea indeed the greatest, Part of his

VOL. II.

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said

^a Vol. I. p. 497, 523. ^b *Ibid*. p. 406, 432.

King Henry IV. said Patrimony, and this to unworthy Persons; but also hath further imposed on his Subjects so many Burdens of Monies granted, as it were every Year of his Reign, that thereby he hath extremely and too excessively oppressed his People, to the Impoverishment of his Kingdom; not converting the Goods so levied to the Commodity and Profit of the Kingdom of *England*, but prodigally squandering it away for the Ostentation of his Name, and in Pomp and Vain-Glory; whilst great Sums of Money are owing in his Kingdom for the Victuals of his Household, and other Things bought, tho' he hath abounded with Riches and Treasures more than any of his Progenitors.

[19]

XVI. The said King, not willing to keep or protect the just Laws and Customs of his Kingdom, but according to his arbitrary Will to do whatsoever should occur to his Desires, sometimes, and very often, when the Laws of his Kingdom have been expounded and declared to him by the Judges and others of his Council, and that they have desired that he would do Justice according to those Laws, hath expressly, and with an angry and haughty Countenance, said, *That his Laws were in his Mouth*; and sometimes, *That they were in his Breast*; and, *That he himself alone could make and change the Laws of his Kingdom*: And, being seduced with that Opinion, did not suffer Justice to be done to very many of his Liege People; but, by Threats and Terrors, hath forced very many to cease from the Prosecution of common Justice.

XVII. That after certain Statutes had been made in Parliament, which always bind till they are specially revoked by the Authority of another Parliament; the said King, desiring to enjoy such Liberty that no such Statutes should so bind him, but that he might do and execute his Pleasure, subtilly procured a Petition to be preferred in his Parliament on Behalf of the Commonalty of his Kingdom, and to be granted to him in general, *That he might be as free as any of his Progenitors were before him*. By Colour of which Petition and Concession, the said King hath very often commanded very many Things to be done against such Statutes unrepealed, acting therein expressly and knowingly against his Oath taken at his Coronation^c.

XVIII.

XVIII. Although it was enacted and ordained, That ^{King Henry IV.} no Sheriff should hold his Office above one Year together, but that three Years should pass before he should be again admitted to that Office ; the said King *Richard*, sometimes for his own single Commodity, and sometimes at the Instance of others for their Advantage, hath permitted and caused certain Sheriffs to stand and remain continually in their Offices, sometimes two, sometimes three Years, against the Tenor and Effect of the Statute aforesaid, thereby incurring Perjury ; and this is notorious, public, and generally ill spoken of.

XIX. Altho', by the Statute and Custom of his Realm in the calling together of every Parliament, his People, in the several Counties of the Kingdom, ought to be free in chusing and deputing two Knights to be present in such Parliament for each respective County, and to declare their Grievances, and to prosecute such Remedies thereupon as to them shall seem expedient ; yet the aforesaid King, that in his Parliaments he might be able more freely to accomplish the Effects of his head-strong Will, did very often direct his Commands to his Sheriffs, that they should cause to come to his Parliaments, as Knights of the Shire, certain Persons by the said King named ^d; which Knights, being his Favourites, he might lead, as often he had done, sometimes by various Menaces and Terrors, and sometimes by Gifts, to consent to those Things as were prejudicial to the Kingdom, and exceeding burdensome to the People ; and especially to grant to the said King a Subsidy on Wooll for the Term of his Life, and another Subsidy for certain Years, thereby too grievously oppressing his People ^e.

[20]

XX. The said King, that he might more freely fulfil and follow in every Thing his own arbitrary Will, did unlawfully cause and command, That the Sheriffs throughout his whole Realm, besides their antient accustomed Oath, should swear that they would obey all his Commands, as often as they should be directed to them, under his Great and Privy Seal, and also his Letters under his Signet ; and that in case the said Sheriffs should come to know that any within their Bailiwicks, of whatsoever Condition they were, had publicly or secretly said or spoken any Ill, that might tend to the

B 2

Disgrace

^d See Vol. I. p. 406, 432. ^e *Ibid.* p. 486, 512.

King Henry IV. Disgrace or Scandal of his Royal Person, they should arrest and imprison them, there safely to be kept till they should receive Command from the King to the contrary, as may be found in the Record; which Fact may probably tend to the Destruction of many of the Liege People of the said Kingdom.

[21]

XXI. The said King, striving to trample under Foot his People, and subtilly to acquire their Goods to himself, that he might abound in superfluous Riches, did cause the People of seventeen Counties of the Realm to submit themselves to the King as Traitors, by Letters under their Seals; by Colour whereof he got mighty Sums of Money to be granted him by the Clergy and People of those Counties, for obtaining his Royal Goodwill and Favour: And though, to please the People, the King had caused those obligatory Letters to be restored, yet the Procurators of the People, having full Power granted them, to oblige themselves and their Heirs to the said King, he the said King caused them, under their Seals, to be bound to him in the Name of the said People; and so deceived his People, and subtilly extorted from them their Goods.

XXII. Although the said King, at his Coronation, had sworn to keep the Liberties granted to the Church of *England*, yet the said King, by reason of his Voyage into *Ireland*, did, by his Letters, command very many Religious Persons, viz. Abbots and Priors of his Kingdom, strictly requiring that some of them should send to him certain Horses, and some of them not only Horses, but also Waggon and Carriages for his said Voyage, or, in Lieu thereof, great Sums of Money, in the said Letters expressed: By which Manner of Writing, he forced many of such Religious out of Fear to fulfil his Will and Command, whereby they were heavily impoverished and oppressed, in manifest Derogation of Ecclesiastical Liberty; by which Pretext the said King *Richard* did incur Perjury.

XXIII. In most of the great Royal Councils, when the Lords of the Realm, the Judges and others, being charged that they would faithfully counsel the King in Matters relating to his State and that of his Kingdom; the said Lords, Justices, and others, very often, in giving Counsel according to their best Discretion, have
been

been by the King suddenly and so fiercely chidden and King Henry IV. reproved, that they have not dared to speak the Truth, in giving their Advice for the State of the King and Kingdom f.

XXIV. The Treasure, Crowns, Reliques, and other Jewels, viz. The Goods of the Kingdom, which, Time out of Mind, have been repositied in the Treasury of the Kingdom, for the Honour of the King, and Preservation of his Kingdom against any sudden Event or Exigency, the said King, going out of his Kingdom into Ireland, did take away, and caused the same to be carried with him, *without the Consent of the States of the Kingdom*; whereby this Kingdom had been vastly impoverished, if God, by the retaking of the said Goods against the said King's Will, had not otherwise provided. And furthermore, the said King did cause the Rolls of Records, touching the State and Government of his Kingdom, to be destroyed and razed, to the great Prejudice of his People, and disinheriting of the Crown of the said Kingdom: And all this, as it is probably believed, in Favour and Support of his evil Governance.

[22]

XXV. The said King was wont, as it were perpetually, to be so variable and dissembling in his Words and Writings, and so contrary to himself, and especially in writing to the Pope, and to Kings and other Lords out of the Kingdom, and within it, and also to others his Subjects, that no Man living that knew his Conditions could or would confide in him; nay, he was reputed so unfaithful and unconstant, that it became scandalous not only to his own Person, but also to the whole Kingdom, and especially amongst Foreigners of all the World who came to know the same.

XXVI. Although the Lands and Tenements, the Goods and Chattels, of every Freeman, by the Laws of the Realm used from all Time heretofore, ought not to be taken from him, unless they be forfeited; yet the said King, purposing and longing to weaken such Laws, in the Presence of very many Lords, and others of the Commonalty of the Kingdom, hath frequently said and affirmed, *That the Life of every one of his Subjects, and his Lands, Tenements, Goods, and Chattels, are his, the said King's, at his Will and Pleasure, with-*

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King Henry IV. out any Forfeiture : Which is utterly against the Laws and Customs of the Kingdom aforesaid.

[23]

XXVII. Although it was enacted and ordained, and is hitherto confirmed, That no Freeman shall be taken, nor any way destroyed, and that the King shall not pass, nor send any to pass upon him, but by the lawful Judgment of his Peers, or by the Laws of the Land ; yet, by the Will, Command, and Order of the said King, very many of his Liege People, being maliciously accused for having publickly or secretly said something that might tend to the Dispraise, Scandal, or Disgrace of the Person of the said King, have been taken and imprisoned, and brought before the Constable and Marshal of *England* in the Court Military ; in which Court the said Liege People being accused, would not be admitted to make any other Answer, than that they were no way guilty, and would justify the same, and defend themselves by their Bodies, and not otherwise, notwithstanding their Appellors were young Men, stout and lusty, and those so accused, antient and impotent, maimed or infirm ; whereby not only Destruction of the Lords and Grandees of the Kingdom, but also of all and singular Persons of the Commonalty of the same may probably ensue : Since therefore the said King hath wilfully acted contrary to such a Statute of this Kingdom, it is not to be doubted but he hath thereby incurred the Crime of Perjury.

XXVIII. Although the People of the Realm of *England*, by Virtue of their Liegiance, are fully enough bound to their King, and the said King, by the Laws and Customs of his Kingdom, is enabled to correct and punish his People, if in any Kind they transgress ; yet the said King, desiring to trample on, and too much oppress, his People, that he might the more freely execute and follow the Humour of his foolish and unlawful Will, by his Letters to all the Counties of his Kingdom, did enjoin and command, That all his Subjects, as well Spiritual as Temporal, should take certain Oaths in general, which were too grievous to them, and which might probably cause the final Destruction of his People, and that they should confirm such their Oaths under their Letters and Seals ; to which Royal Command the People of his Kingdom did submit and pay Obedience,

Obedience, that they might not incur his Indignation King Henry IV. or Displeasure, and also for Fear of Death ^s.

XXIX. When Parties contending in the Ecclesiastical Court, in Causes merely Ecclesiastical and Spiritual, had endeavoured to obtain from the Chancellor of *England* Prohibitions to hinder the lawful Process in the said Courts, and the said Chancellor had justly refused to grant the same; yet the said King, by Letters under his Signet, has frequently prohibited the Ecclesiastical Judges to proceed in such Causes, thereby evilly infringing the Liberties of the Church in the Grand Charter approved, to the Conservation whereof he was sworn, and damnably incurring Perjury, and the Sentence of Excommunication against such Violators thereof by the Holy Fathers pronounced.

[24]

XXX. The said King, without any reasonable or lawful Cause whatsoever, or any other Process of Law, did, in his Parliament, encompassed in Warlike Manner by armed Men, adjudge *Thomas of Arundele*, Lord Archbishop of *Canterbury*, (Primate of all *England*, his Spiritual Father, absenting himself by the treacherous Counsel of the said King) to Banishment, against the Laws of his Kingdom, so by him sworn to as aforesaid ^h.

XXXI. By Inspection of the Testament of the said King, sealed with the Great and Privy Seal, and also with his Signet, among other Things there is contained this Clause or Article: Item, *We will that the Residue of our Gold (the true Debts of our Household, Chamber, and Wardrobe, being paid, for Payment whereof we bequeath 20,000 Marks, reserving to our Executors five or six thousand Marks; which we will by them to be expended towards the more plentiful Maintenance of the Lepers and Chaplains, to celebrate before them, by us founded at Westminster and Bermondeseye) shall remain to our Successor, provided always that he approve, ratify, and confirm, and hold, and cause to be holden and firmly observed, all and singular the Statutes, Ordinances, and Judgments, made, given, and rendered in our Parliament, begun at Westminster the 17th Day of the Month of September, in the one-and-twentieth Year of our Reign, and in the same Parliament, continued at Shrewsbury, and there holden; and also all the Ordinances, Judgments, and*
Establish-

King Henry IV. *Establishments of the 16th Day of September, in the 22d Year of our Reign, at Coventry; and afterwards at Westminster, the 8th Day of March, in the Year aforesaid, by the Authority of the said Parliament; and likewise all other Ordinances and Judgments which shall hereafter happen to be made by Authority of the said Parliament: But otherwise, if our said Successor shall refuse to perform the Premises, which we do not believe, then we will that Thomas Duke of Surrey, Edward Duke of Albemarle, John Duke of Exeter, and William le Scrope, Earl of Wiltshire, paying first the Debts of our Household, our Chamber, and our Wardrobe, and reserving five or six thousand Marks as aforesaid, shall have and hold all the said Residue above-mentioned, for to support and defend the said Statutes, Establishments, Ordinances, and Judgments to their utmost Power, even unto Death if it be necessary; upon all which, and every Part, we do hereby charge and burden their Consciences, as they will answer in the Day of Judgment.* By which Article it may evidently enough appear, that the said King did obstinately strive to maintain and defend those Statutes and Ordinances which are erroneous and unjust, and repugnant to all Law and Reason; and this not only during his Life, but after his Death too; neither regarding the Peril of his own Soul, nor yet the utter Destruction of his said Kingdom or Liege People.

XXXII. In the 11th Year of the said King *Richard*, he the said King, in the Chapel of his Manor of *Langley*, in the Presence of the Dukes of *Lancaster* and *York*, and very many other Lords, desiring, as it hath appeared, that his Uncle the Duke of *Gloucester*, then there present, should fully confide in the Good-will of him the said King, did voluntarily, and of his own Accord, swear before the Venerable Sacrament of the Lord's Body, there placed upon the Altar, that thenceforwards he would never endamage, trouble, or grieve him the said Duke of *Gloucester*, for any of his Deeds which were said to have been committed against the Person of him the said King; but did chearfully and totally forgive him all his Offences, if any were; yet, afterwards, notwithstanding such Oath, the said King did horribly and cruelly cause the said Duke to be murdered, for such the before-

before-pretended Offences; thereby incurring the Guilt ^{King Henry IV.} of damnable Perjury¹.

[26]

XXXIII. After one of the Knights of the Shires of the said Kingdom, having a Voice in Parliament, had impeached the said *Thomas*, Archbishop of *Canterbury*, upon certain Defaults committed against the King's Majesty, as was untruly suggested, and the said Archbishop, presently then and there, offered himself ready to answer the Matters charged upon him, and desired that he might be thereunto admitted by the King, not doubting, as he said, but he should be able sufficiently to shew his Innocence; yet the said King, contriving, by all the Ways and Means he could, to oppress the said Archbishop of *Canterbury*, and ruin his Estate, as the Event of the Matter has declared, speaking graciously, and with a chearful Countenance to the said Archbishop, from his Royal Seat, did advise, and very earnestly request him, that at that Time he would hold his Peace, and expect a better and more fit Time to make his Defence^k; which Day being passed, the said King, from Day to Day, for five Days or more, did fraudulently and treacherously deceive the said Archbishop, counselling him, and persuading him, that he should not come to the Parliament, but wait at home without any Fear; because, as the said King faithfully did promise him, there should not, in his Absence, any Loss or Prejudice be done or happen to him; notwithstanding all which, the said King, in his Parliament aforesaid, did, in the mean Time, adjudge the said Archbishop to be banished during the King's Pleasure, though absent, and never any way called to answer, and without any reasonable Cause whatsoever; and also voluntarily, against the Laws of the Kingdom and all Justice, confiscated all his Goods; whereby he likewise became guilty of Perjury. But furthermore, the said King, being willing to palliate his Malice and Subtilty, by flattering Discourses which he oft-times had with the said Archbishop, did endeavour to clear himself of such Injury done, and make as if it were the Doings of others; insomuch that the Archbishop discoursing with the King, and with the Duke of *Norfolk*, and other Lords and Great Men of the Kingdom, happened to say, by way of lamenting his

[27]

¹ See Vol. I. p. 476, 501. ^k *Ibid.* p. 466, 492.

King Henry IV. his own Condition, ' That he was not the first that
 ' had suffered Banishment, nor should he be the last ;
 ' for he thought in a short Time the Duke of *Norfolk*,
 ' and other Lords would follow him ; and confidently
 ' averred to the King, That all the Rigour of these Pro-
 ' ceedings would finally be returned back on his own
 ' Head.' To which the said King, as astonished, ha-
 stily replied, *That he verily thought it might so happen ;*
and that he himself might, and indeed ought, to be expelled
his Kingdom by his Liege People. And further the said
 King said, *That if the same should happen, he would*
convey himself to the same Place where the said Arch-
bishop should be. And that the Archbishop might the
 rather credit his Words, he shewed him a certain great
 Jewel¹, curiously formed, underneath the Skirt of his
 outward Vestment ; intimating for certain, to the said
 Archbishop, that whenever he should send that Jewel
 for a Token, he would not delay to come thither where
 the said Archbishop should be resident : And that the
 said Archbishop might more confide in him, the said
 King sent to him, advising him that he should private-
 ly send all his Jewels, and other Things of Value, be-
 longing to his Chapel, unto him the said King, for the
 safe-keeping thereof, lest, by Colour of the before-men-
 tioned Judgment, any one should wrongfully seize the
 same ; which, under the greatest Confidence in the
 World, being done, the said King caused him to re-
 posite the said Goods in certain Coffers, and the said
 Coffers to be locked up, and sealed by one of the Arch-
 bishop's Clerks, and, keeping the said Coffers by him,
 returned the Keys thereof by the said Clerk to the Arch-
 bishop ; yet afterwards, unknown to the said Archbi-
 shop, caused the said Coffers to be broken open, and
 disposed of the Goods therein, at his Will and Pleasure.
 Furthermore, the said King faithfully promised the said
 Archbishop, that if he would but repair to the Port of
Hampton, in order to go out of the Realm, he would
 at last, by the Intercession of the Queen, get him recal-
 led : And if it should happen, that he the said Archbi-
 shop should go out of the Realm, he should without Fail
 return into *England* before *Easter* next following ; nor
 should in any Kind lose his Archbishoprick ; and this he
 faithfully

¹ *Monile*, a Brooch or Tablet.

faithfully promised, swearing upon the Cross of the late King Henry IV. Martyr St. Thomas, Archbishop of Canterbury, by him the said King corporally touched: All which Promises notwithstanding, the said King forced the said Archbishop to depart the Realm; and forthwith transmitted special Letters to the Apostolical See, to have him translated: And so, and by other Frauds and deceitful Tricks of the said King, the said Archbishop, being a well-meaning believing Man, was subtilly circumvented.'

After the Recital of the foregoing Articles, the Record proceeds thus:

' And because it seemed to all the Estates of the Realm, being asked their Judgments thereupon, as well severally as jointly, that these Causes of Crimes and Defaults were sufficient and notorious to depose the said King; considering also his own Confession of his Insufficiency, and other Things contained in his said Renunciation and Cession, openly delivered, all the said States did unanimously consent, that, *ex Abundanti*, they should proceed unto a Deposition of the said King, for the greater Security and Tranquillity of the People, and Benefit of the Kingdom: Whereupon the said States and Commons unanimously constituted, and publicly deputed, certain Commissioners, *viz.* The Bishop of St. Asaph, the Abbot of Glasstonbury, the Earl of Gloucester, the Lord Berkeley, Sir Thomas Erpyngham, and Sir Thomas Grey, Knights, and Sir William Thirnyng, one of the Justices, to pass such Sentence of Deposition, and to depose the said King Richard from all Kingly Dignity, Majesty, and Honour, on the Behalf and in the Name, and by the Authority, of all the said States, as in like Cases, from the antient Custom of the said Kingdom, had been observed^h. And forthwith the said Commissioners, taking upon themselves the Burden of the said Commission, and sitting on a Tribunal before the said Royal Chair of State, having first had some Debate of the Matter, did, on the Behalf, and in the Name, and by the Authority aforesaid, pass the said Sentence of Deposition, being reduced into Writing; and caused such their

[29]

Sentence

^h See the Proceedings upon the Deposition of King Edward II. in Vol. I. p. 182, 200, &c.

King Henry IV. ‘ Sentence to be read and recited by the said Bishop of
 ‘ St. Asaph, their Colleague, by the Will and Com-
 ‘ mand of the rest of the said Commissioners, in these
 ‘ Words :

The Sentence of
 Deposition passed
 upon King Rich-
 ard.

IN the Name of God, Amen. We John Bishop of St. Asaph, John Abbot of Glaſtonbury, Thomas Earl of Glouceſter, Thomas Lord Berkeley, Thomas de Erpyngham, and Thomas Grey, Knights, and William Thirnyng, Juſtice, Commissioners ſpecially deputed to the Matters under-written, by the Peers and Lords Spiritual and Temporal of the Kingdom of England, and the Commons of the ſaid Kingdom, representing all the Eſtates of the ſaid Realm, ſitting in Tribunal; and having conſidered the multiplied Perjuries, Cruelty, and very many other Crimes of the ſaid Richard, touching his Government, committed and perpetrated in his Kingdoms and Dominions aforeſaid, during the Time of his Governance; all of them before the ſaid States openly and publicly propounded, exhibited, and recited; which have been and are ſo public, notorious, manifeſt, and ſcandalous, that they could not, nor can, be concealed with Denial or Excuse. And conſidering likewise the Confeſſion of the ſaid Richard, acknowledging and reputing, and truly, and of his own certain Knowledge, judging himſelf to have been, and to be, utterly inſufficient and unmeet for the Rule and Government of the ſaid Kingdoms and Dominions, and their Appurtenances, and for ſuch his notorious Demerits worthy to be depoſed, as by him, the ſaid Richard, was before declared, and, by his Will and Command, publiſhed before the ſaid States, and made known and expoſed to them in the Vulgar Tongue; having already had diligent Deliberation upon theſe Things, and all others tranſacted in this Affair before the ſaid States and us, we do, on the Behalf, and in the Name, and by the Authority to us in this Matter committed, ex Abundanti, and for Caution, pronounce, decree, and declare him, the ſaid Richard, to have been, and to be, unfit, unable, and utterly inſufficient for, and unworthy of, the Rule and Government of the ſaid Kingdoms, and the Dominions, and Rights, and Appurtenances of the ſame; and, for and by Reason of the Premiffes, to be deſervedly Depoſed of, and from, all Royal Dignity

Dignity and Honour, if any Thing of such Dignity and Honour were yet remaining in him. And with the same Caution we do Depose him by this our definitive Sentence in Writing, expressly forbidding all and singular the Lords, Archbishops, Bishops, and Prelates, Dukes, Marquisses, Earls, Barons, Knights, Vassals, and Valvasors, and other Subjects and Liege People of the said Kingdom and Dominions, and other Places of the said Kingdom and Dominions belonging, that henceforth none of them shall any way obey or regard the said Richard as King or Lord of the said Kingdom and Dominions.

‘ Furthermore, the said States willing that nothing should be wanting which might be of Value, or ought to be required, touching the Premisses, being severally interrogated thereupon, did constitute the same Persons that were before nominated Commissioners, to be their Procurators, jointly and severally to resign and give back to the said King *Richard* the Homage and Fealty to him before made, and to intimate to him, if it should be requisite, all the Premisses, touching such his Deposition and Renunciation.

‘ And then presently, as soon as it appeared by the Premisses, and the Occasion of them, that the Crown of *England*, with its Appurtenances was vacant, the aforesaid *Henry* Duke of *Lancaster*, rising up from his Place, and standing so erected as he might conveniently be seen by the People, and humbly fortifying himself with the Sign of the Cross on his Forehead, and on his Breast, having also first called upon the Name of *Christ*, did claim the said Kingdom, so vacant as aforesaid, with its Crown and all its Members and Appurtenances, in this Form of Words in his Mother Tongue :

I *N* the Name of *Faadir*, Son, and Holy Ghost, I *Henry* of *Lancaster*, chalenge this Reaume of *Ynglonde*, and the Corone, with all the Members and the Appurtenances, als I that am descendit, be right Line of the Blode, comyng fro the gude Lord *Kyng Henry Therde*, and thorghe that Right that God of his Grace bath sent mee, with Helpe of my Kyn, and of my Frendes to recover it ; the which Reaume was in Poynt to be ondone for Defaut of Governance, and undoyng of the gude Lawes.

[31]
Henry's Claim to the Crown.

‘ After

King Henry IV. ‘After which Claim and Challenge, as well the
 ‘Lords Spiritual as Temporal, and all the States there
 ‘present, being severally and jointly interrogated what
 ‘they thought of that Claim; the said States, with the
 ‘whole People, without any Difficulty or Delay, did
 ‘unanimously consent, that the said Duke should reign
 ‘over them. And forthwith, as the said King shewed
 ‘to the States of the Kingdom the Signet of King *Rich-*
 ‘*ard* delivered to him as a Token of his Will, that he
 ‘should succeed him as aforesaid; the said Archbishop
 ‘taking the said King *Henry* by the Right Hand, led
 ‘him to the Royal Chair of State: And after the said
 ‘King, kneeling down before it, had prayed a little while,
 ‘the said Archbishop of *Canterbury*, assisted by the Arch-
 ‘bishop of *York*, did place the said King, and cause him
 ‘to sit in the said Royal Seat; all the People wonder-
 ‘fully shouting for Joy. And by and by the said Arch-
 ‘bishop of *Canterbury*, having with much ado procu-
 ‘red Silence from the over-joyed Multitude, made a
 ‘short Discourse, or Oration, in these Words:’

Vir dominabitur Populo, *A Man shall reign over my
 People*, 1 Sam. ix. 17.

The Archbishop
 of *Canterbury*’s
 Speech upon that
 Occasion.

[32]

*These are the Words of the King of Kings, speaking to
 Samuel, and teaching him how a Person should be qua-
 lified to rule, since the People desired to have a King given.
 And not unfitly may they be said of our Lord the King,
 whom we behold this Day; and if we but intimately con-
 sider these Words, they afford us Matter of great Consola-
 tion; for God does not threaten us, as he did formerly
 his People by Isaiah, saying, Isa. iii. I will make Children
 to rule over them; but, according to his Compassion, who
 in his Wrath remembereth Mercy, he hath visited his People,
 and now Children no more, as heretofore, shall lord it over
 them; for the Lord saith to them, A Man shall rule.
 Of the late Rulers of this Kingdom, or any of them, one
 might have fitly said that of the Apostle, Cor. xiii. I
 spake as a Child, I understood as a Child, I thought as
 a Child. The Apostle repeats it thrice, As a Child I
 spake, I understood and thought. As to Speech, it is
 certain that a Child is inconstant in speaking, he easily
 speaks true, and as easily false; is ready in Words to pro-
 mise,*

mise, but what he promises he presently forgets. Now, King Henry IV. these are Things very inconvenient and dangerous in a King; nor is it possible that any Realm shall stand long in Happiness where these Conditions bear Sway: But from such Mischiefs a Kingdom is freed, whose Scepter is swayed by a Man, for it belongs to a Man to set a Watch before his Tongue; and such is our present Happiness, over whom not a Child, but a Man, is set, and such an one, as I hope we may say of him that in Eccles. ix. Blessed is the Man that hath not erred with his Tongue. Then saith the Apostle, I understood as a Child. Now, a Child relishes nothing but Flatteries and pleasing Things, and understands only Bawbles and Trifles, and loves not one that argues according to Truth, yea indeed hates him beyond all Measure: But heretofore, amongst us, Truth was trampled under Foot, so that none durst speak it; and therefore it is plain and apparent enough, that he, that then reigned, understood as a Child. For a Man is not addicted to such Things, but understands Wisdom; so that, by the Grace of God, it may be said of him, as it is written, Eccles. ix. Blessed is the Man that abideth in Wisdom. For as a Child is delighted in Vanity, so a Man has Regard to Truth and Wisdom. Truth therefore shall enter, and Vanity depart, which has done so much Mischief in our Nation; for now a Man shall rule, who seeks after Truth, and not Vanity or Flattery. Thirdly, It is said, I thought as a Child; for a Child thinks and studies only how to have his Humour, and do Things according to his own Will, and not according to Reason: Therefore, when a Child reigns, there only Self-Will reigns, and Reason is banished, and Constancy is put to Flight, and great Danger ensues; from which Danger we are delivered, for a Man shall Rule over us; to wit, one that speaks not like a Child; but thus as one that has the Perfection of Reason.—I come not to do my own Will, but the Will of him that sent me; to wit, of God: And therefore of such a Man we will say not only that he will abide in Wisdom, but also that as a Man, not a Child, he will meditate on the Circumspection of God; that is, he will every Way diligently observe that God's Will, not his own, be done; and so, in the Stead of a Child wantoning in foolish stubborn Humours, a Man shall reign, and such a Man that it shall be said of him—A King shall reign in Wisdom,

King Henry IV. dom, and he shall execute Judgment, and do Justice in the Earth.

‘ Which Harangue being ended, the said Lord King
 ‘ Henry, to appease the Minds of his Subjects, did then
 ‘ and there utter these Words :

S I R E S,

Henry's Declara-
 tion of Thanks.

*I Thank God and zowes Spirituel and Temporel, and all
 the Estates of the Lond, and do zowe to wyte, it es noght
 my Will that no Man thynke that be way of Conquest I
 wold disherit any Man of his Heritage, Franches, or other
 Rights that hym aght to have, no put him out of that that
 he has, and has had by the gude Laws and Custums of the
 Reaume ; except those Persons that has been agan the gude
 Purpose and the comune Profit of the Reaume.*

[34]

‘ And forthwith considering that, by the former Va-
 ‘ cancy of the Royal Throne, by the Cession and De-
 ‘ position aforesaid, all Power of Justices, Sheriffs, and
 ‘ other Officers, throughout the Kingdom was ceased ;
 ‘ therefore, to the End that there might be no Failure
 ‘ nor Delay in the Administraction of Justice, to the
 ‘ Grievance of the People, he caused principal Officers
 ‘ and Justices to be made and sworn to him with the usual
 ‘ Oaths. And it was immediately proclaimed by the
 ‘ King's Command, that, on *Monday* next, after the said
 ‘ Feast of St. *Michael*, a Parliament should be held
 ‘ and celebrated ; and that on the *Monday* following,
 ‘ that is to say, on the Feast of St. *Edward*, should be
 ‘ the Coronation of the said King at *Westminster*, and
 ‘ that all those that could claim any Service in the said
 ‘ Coronation should come to the *White-Hall* of the Pa-
 ‘ lace, before the Steward, Constable, and Marshal of
 ‘ *England*, on *Saturday* next before the Day of the
 ‘ said Parliament, to make their just Demands in that
 ‘ Behalf, and receive Right therein. But as for the
 ‘ shortning the Day assigned to the Parliament, there
 ‘ was a Protestation made by the King, That it was not
 ‘ his Intent that thereby any Prejudice should be brought
 ‘ upon the States of his Kingdom ; nor that the same for
 ‘ the future should be drawn into Example ; but that
 ‘ such Abbreviation of Time was only made for the Be-
 ‘ nefit

‘nefit and Profit of the Kingdom, and eſpecially to ſave ^{King Henry IV.}
‘the Labour and Expences of ſeveral of his People, and
‘that the Grievances of the People might be the ſooner
‘remedied.

‘After which the King, ariſing from his Royal Throne,
‘and beholding the People with a chearful and benign
‘Countenance¹, retired himſelf from thence, all the
‘People rejoicing; and the ſame Day, in the *White-*
‘*Hall* aforeſaid, made a ſolemn Feaſt to the Nobles and
‘Gentry, there in a vaſt Multitude aſſembled.

‘And afterwards, viz. on *Wednesday* next following,
‘the before-named Procurators, ſo deputed as aforeſaid,
‘did, according as they were commanded, repair into
‘the Preſence of the ſaid late King *Richard*, being with-
‘in the Tower aforeſaid; and the ſaid Sir *William*
‘*Thirnyng* the Juſtice, for himſelf and his Companions
‘and Fellow-Procurators, in the Name of all the States
‘and People aforeſaid, did notify and fully declare unto
‘the ſaid *Richard*, their Admiſſion of his ſaid Renuncia-
‘tion, and the Manner, Cauſe, and Form of ſuch Sen-
‘tence of Depoſition, and preſently did reſign and give
‘back to the ſaid late King *Richard*, the Homage and
‘Fealty formerly to him made as aforeſaid, with theſe
‘Words:

The Words which *William Thirnyng* ſpake to Mon-
ſire *Richard*, late King of England, at the Tower of
London, in his Chamber, on *Wednesday* next after the
Feaſt of St. *Michael* the Archangel, were as fol-
low^m:

[35]

S I R E,

*I*T is wele known to zow, that ther was a Parlement ſo-
moned of all the States of the Reaume for to be at
Westmynſtre, and to begin on the Tueſaday in the Morrow
of the Feſt of St. Michel the Archangel that was Zeſter-
day; by Cauſe of the which Somons all the States of this
Lond were there gadered, the which States hole made theſe

Sir William Thirnyng's Account of the Conſervation between King Richard and him in the Tower.

VOL. II.

C

ſame

¹ *Vultu billari et benigno.* Record.

^m It is remarkable, that this very Sir *William Thirnyng* was Chief Juſtice of the King's Bench in the 21ſt Year of *Richard's* Reign, and then declared, in the Parliament held at *Sbrewſbury*, his Approbation of thoſe Opinions in Law, for which the Judges had been baniſhed ten Years before,—*Sed Tempora mutantur.* See Vol. I. p. 483, 509.

King Henry IV. *same Persones that ben comen here to zow now, ther Procurators, and gafen hem full Autorite and Power, and charged hem for to say the Words that we shall say to zow in ther Name, and on ther Behalve; that is to wytten, the Bishop of Seint Asla, for Ersbishoppes and Bishoppes; the Abbot of Glaftenbury, for Abbots and Priours, and all other Men of Holy Chirche, Seculers and Ruelers; the Erle of Gloucestre, for Dukes and Erles; the Lord of Berkeley, for Barons and Banerettes; Sir Thomas Ircpyngham, Chamberleyn, for all the Bachilers and Commons of this Lond be South; Sir Thomas Grey, for all the Bachilers and Commons by North; and my Fellow Johan Markham and me for to come with hem, for all thes States. And so, Sire, these Wordes, and the Doing, that we sall say to zow, is not onlych our Wordes, but the Doyngs of all the States of this Lond, and our Charge in her Name.*

And he answered and said, That he wyste wele that we wold nocht say but as we were charged.

Sire, Ze remembre zow wele that on Moneday in the Feft of Seint Michel the Archangel, ryght here in this Chamber, and in what Presence ze renounced and cessed of the State of Kyng and of Lordeship, and of all the Dignite and Wyrship that longed thereto, and assoiled all zour Leiges of her Ligeance and Obeifance that longed to zow uppe the Fourme that is contened in the same Renunciation and Cession, which ze redde zoursel by zour Mouth, and affermed it by zour Othe, and by zour owne Writing. Upon whiche ze made and ordeined your Procuratours the Ersbishoppe of Zork and the Bishoppe of Hereford, for to notifie and declare in zour Name the Renunciation and Cession at Westmynstre, to all the States, and all the Peple that was there gadyrd, because of the Somons aforesaid, the which thus don Yesterday by thes Lords zour Procuratours, and wele herde and understooden, thes Renunciation and Cession were plenelich and frelich accepted, and fullich agreed by all the States and Peple foresaid. And over this, Sire, at the Instance of all thes States and Peple, there ware certain Articles of Defautes in zour Governace redde there, and tho' wele herd and pleinelich understooden to all the States foresaid, hem thoght hem so trewe, and so notorie and knowen, that by the Causes, and by no other, as thei sayd, and havynge Con-

consideration to your owne Wordes in your owne Renunciacion King Henry IV. and Cession, that ze were not worthy, no sufficient, ne able for to governe, for your owne Demerites, as it is more plainelich contened therein, hem thought that was resonable and Cause for to depose zowe; and her Commissaries that they made and ordeined, os it is of Record, ther declared, and decreed, and adjudged zow for to be deposed, and pryved zow of the Astate of King, and of the Lordeship contened in the Renunciacion and Cession forsayd, and of all the Dignitie and Wyrshipp, and of all the Administration that longed thereto. And we Procuratours to all thes States and People forsayd, os we be charged by hem, and by her Autoritie gyffen us, and in her Name zelde zow uppe for all the States and People forsayd, Homage, Liege, and Feaute, and all Leigeance, and all other Bondes, Charges, and Services that long thereto, and that non of all thes States and People, fro thys Tyme forward, ne bere zow Feyth, ne do zow Obeisance as to thar King.

And he answered and seyde, That he loked not thereafter; but he seyde, That, after all this, he hoped that is Cosyn wolde be gode Lord to hym.

So far the Record.

Sir John Hayward tells us, That when the Committee, appointed to receive Richard's Resignation, assembled at the Tower for that Purpose, the Day before this Parliament was to begin, the unhappy Monarch was brought forth, apparelled in his Royal Robe, the Diadem on his Head, and the Scepter in his Hand, and was placed amongst them in a Chair of State. He adds, That, after a litte Pause and Expectation, the King arose from his Seat, and spake to the Assembly these Words, or the very like in Effect^m:

[37]

I Affure myself that some at this present, and many here- Richard's Speech after, will account my Case lamentable; either that I to the Committee appointed to have deserved this Dejection, if it be just; or if it be receive his Resignation, that I could not avoid it. Indeed I do confess, that many Times I have shewed myself both less provident and less painful for the Benefit of the Commonwealth than

C 2

I

^m Hayward's Life of King Henry IV. p. 86. But we doubt the Historian has put these Words in King Richard's Mouth long after his Death, there being no Mention of any such on Record: Or, if he did speak to this Purpose, they were not suffered to be enrolled.

King Henry IV. *I should, or might, or intended to do hereafter; and have, in many Actions, more respected the satisfying of my own particular Humour, than either Justice to some private Persons, or the common Good of all; yet I did not, at any Time, either omit Duty or commit Grievance, upon natural Dulness or set Malice; but partly by Abuse of corrupt Counsellors, partly by Error of my youthful Judgment. And now the Remembrance of these Oversights is so unpleasant to no Man as to myself; and the rather, because I have no Means left, either to recompense the Injuries which I have done, or to testify to the World my reformed Affections, which Experience and Stayedness of Years had already corrected, and would daily have framed to more Perfection. But whether all the Imputations, wherewith I am charged be true, either in Substance, or in such Quality as they are laid, or whether, being true, they be so heinous as to enforce these Extremities; or whether any other Prince, especially in the Heat of Youth, and in the Space of two-and-twenty Years, the Time of my unfortunate Reign, doth not sometimes, either for Advantage, or upon Displeasure, in as deep Manner grieve some particular Subject, I will not now examine: It helpeth not to use Defence, neither booteth it to make Complaint; there is no Place left for the one, nor Pity for the other; and therefore I refer it to the Judgment of God, and your less distempered Considerations.*

[38]

I accuse no Man; I blame no Fortune; I complain of nothing; I have no Pleasure in such vain and needless Comforts; and if I listed to have stood upon Terms, I know I have great Favourers abroad, and some Friends, I hope, at home, who would have been ready, yea forward, on my Behalf, to set up a bloody and doubtful War; but I esteem not my Dignity at so high a Price, as the Hazard of so great Value, the spilling of so much English Blood, and the Spoil and Waste of so flourishing a Realm, as thereby might have been occasioned. Therefore, that the Commonwealth may rather rise by my Fall, than I stand by the Ruin thereof, I willingly yield to your Desires; and am here come to dispossess myself of all public Authority and Title, and to make it free and lawful for you to create, for your King, Henry Duke of Lancaster, my Cousin German, whom I know to be as worthy to take that Place, as I see you willing to give it to him.

There

There was no farther Business done the first Day, King Henry IV.
but the reading of the above Record, before the Parlia-
ment; and the *Monday* following, being the Feast of King Henry
St. Edward, King and Confessor, was appointed for crowned.
Henry's Coronation, which was performed at *Westmin-*
ster, with the usual Ceremonies.

The next Day the Parliament met again, when the
Commons presented to the King Sir *John Ghenev*, for Sir JOHN DARE-
their Speaker, whom the King accepted, and he made WOOD chosen
the usual Protestation, which was also allowed. But the Speaker on the
Day following the said Sir *John*, with the Commons, Sickness of Sir
came again before the King, and declared, That, by John Ghenev.
reason of a sudden Disorder, he was unable to serve, and
that they had chose Sir *John Darewood* in his Place;
beseeching the King to allow the said Sir *John Dare-*
wood to be Speaker for the Commons: Which said
Knight, having also made the usual Protestation, was
allowed as before.

Then the Commons, with the Assent of the Bishops A Subsidy grant-
and Lords, for the great Love and Affection which they ed.
bore their Lord and Sovereign, with other fulsome
Compliments, and in order to provide for the War
against *Scotland*, Defence of *Calais* and *Ireland*, and the
Amendment of the State, also in Hopes that their Re-
quests should be granted, gave to the King, for three
Years, the Subsidy on Woolls, Skins, and Wooll-fells;
that is, 50s. on every Sack from Denizens, and 3*l.* from
Aliens; also one Tenth and one Fifteenth.

The next Thing this Parliament went upon was, to
pass an Act of Indemnity to screen those who, during Act of Indemni-
the late Troubles, had taken up Arms in Favour of the ty for King Hen-
King, then Duke of *Lancaster*; likewise to pass an Act ry's Adherents.
for the repealing the whole Proceedings of the Parlia-
ment at *Shrewsbury*, 21 *Richard II.* and to confirm that
Parliament which was held the 11th of the said King, ex-
cept the Effect of the Pardon granted by the said Statute
of the 21st of *Richard II.* which they ordained should
stand, notwithstanding the rest of it was repealed.
Also it was enacted, That nothing, for the future,
should be esteemed or adjudged to be Treason, but what
was ordained to be so by the 25th of *Edward III.* and
that all blank Charters whatsoever, which the City of

[39]

C 3

London,

King Henry IV. *London*, and seventeen Counties besides, had been forced to seal and give to King *Richard*, should be utterly void.

The Archbishop of *Canterbury* moved the House for their Consent to address the King, that he would please to create *Henry*, his eldest Son, Prince of *Wales*, Duke of *Cornwall*, and Earl of *Chester*. Upon which the King, sitting in his Royal Seat, in full Parliament, put a Coronet on the Head of the said *Henry*, his eldest Son, a Ring of Gold on his Finger, and gave him a Golden Rod in his Hand, and kissed him; also, by a Charter then given him, he was created Prince of *Wales*ⁿ, &c. His Uncle, the Duke of *York*, put the Robes on the young Prince, and afterwards brought him to the Seat assigned, for that Principality, in Parliament. It was also then enacted by all the Estates, that the said Prince should succeed his Father in the Realm of *England*; and they all promised to accept and obey him accordingly^o.

The next Day, being *Thursday*, the Archbishop of *Canterbury* moved, in the Upper House, that the Lords should in no wise disclose any Thing that should then be put to them; which being promised by all, the Earl of *Northumberland* put this important Question to the House, *What they would advise was fit to be done with Richard the late King, in order to his keeping in safe Custody; for the King would have his Life saved by all Means*^p?—To which all the Lords, whose Names are here under-written, being severally examined, answered, 'That it seemed adviseable to them, that he should be put under a safe and secret Guard, and in such a Place where no Concourse of People might resort to him, and that he be guarded by truity and sufficient Persons; and that no Person who had been familiar with him, should be about his Person; and that it should be done in the most secret Manner that can be devised.'—This Sentence, which was now agreed on so privately, was, on the 27th of *October*, adjudged and confirmed before the King

[40]
Motion as to the
Disposal of the
late King's Per-
son.

ⁿ This Charter is extant in *Rymer's Fœd. Angliæ*, Tom. VIII. p. 91. It is only for the Duchy of *Cornwall*, wherein all the Lands, Hereditaments, &c. belonging to it, are expressed. The next Instrument is for the Principality of *Wales*. In this Parliament also he was created Duke of *Aquitain*. Record.

^o The Prince was just then twelve Years old. *Holling. Chron.* p. 511.
^p *Sa Vie que le Roy veet que lui soit sauvez en tous Maneres*. Record.

King in the Great Hall of *Westminster* in full Parliam^t, with Addition only, That his Imprisonment should be made perpetual ⁹.

The Names of the Lords who, being asked, assented to the Question, are these following^r:

The Archbishop of Canterbury.	Earl of Worcester.
Archbishop of York.	Lord Ross.
Bishop of London.	Lord Grey of Ruthin.
Bishop of Ely.	Lord Charleton.
Bishop of Lincoln.	Lord Bardolfe.
Bishop of Norwich.	Lord Willoughby.
Bishop of Rochester.	Lord Furnival.
Bishop of Salisbury.	Lord Ferrers.
Bishop of Exeter.	Lord Beaumont.
Bishop of Chichester.	Lord Berkeley.
Bishop of St. Asaph.	Lord Fitz-Walters.
Bishop of Chester.	Lord Mauley.
Bishop of St. David's.	Lord Scales.
Bishop of Llandaff.	Lord Morley.
Bishop of Durham.	Lord Burnel.
Abbot of Westminster.	Lord Lovel.
Abbot of St. Alban's.	Lord Camois.
Abbot of St. Austin.	Lord Seymor.
Abbot of Bury.	Lord Cromwel.
Abbot of St. Mary's, York.	Lord Cobham.
Abbot of Gloucester.	Lord Fitz-Hugh.
Abbot of Battel.	Lord de Bergavenny.
The Prince.	Lord Lumley.
Duke of York.	Baron of Greystock.
Earl of Arundele.	Baron of Hilton.
Earl of Warwick.	Sir Henry Piercy.
Earl of Stafford.	Sir Robert Scrope.
Earl of Northumberland.	Sir Thomas Erpingham,
Earl of Suffolk.	Chamberlain.
	Sir Matthew Gowin.

The Peers present at that Question,

[41]

It is observable, that the Bishop of *Carlisle* is not in this List, and indeed there is great Reason for it; he being the only Man, either in the Prelacy or Laity, that

⁹ *Fenst* adjudges a perpetual Prison. Record.

^r The Reader may observe, upon comparing this with the foregoing List, that most of the Lords who composed the last Ministry were absent on this Occasion. See before, p. 4.

King Henry IV. that had the Courage to oppose this Usurpation at that Time. Sir *John Hayward*^a has given us a Speech made by this Bishop, on the Occasion, when the last Question was put in the House of Lords. We shall not contest the Genuineness of it; so much is certain, that this honest Man suffered greatly for his Loyalty to the deposed Prince; being deprived of his Dignity, put under a long Imprisonment, and, had it not been for his Order which was then held too sacred, must have died the Death of a Traitor. If it be objected, that it was now too late to make Speeches, when the new King was actually crown'd, the aforesaid Author has in some Measure accounted for that, in remarking, 'That this Prelate was a Man both learned and wise, 'and always used both Liberty and Constancy in a good 'Cause; that in his secret Judgment he never gave 'Allowance to these Proceedings, yet he dissembled his 'Dislike untill he might, to some Purpose, declare it; 'therefore, now, adds he, being in a Place to be heard 'of all, and, by Order of the House, to be interrupted 'by none, he rose up with a bold and resolute Spirit, 'and uttered his Mind as followeth':

[42]

Bishop of Carlisle's Speech
against it,

'THIS Question, Right Honourable Lords, concern-
'eth a Matter of great Consequence and Weight;
'the determining whereof will assuredly procure ei-
'ther safe Quiet, or dangerous Disturbance, both to
'our particular Consciences, and also to the common
'State. Therefore, before you resolve upon it, I pray
'you call to your Consideration these two Things;
'first,

^a *Life of King Henry IV. Lond. 1630. p. 101.* It is also in *Hol. Chron.*

^r The Name of this Bishop of Carlisle was *Thomas Merks*, alias, of *Newmarket*, alias, *Sumestre*. He had been consecrated *An. 1397*, was deprived in *1399*, but lived several Years after. *Le Neve's Fasti Ecclesiæ Anglicanæ*, p. 334.

Walsingham says, He was made by the Pope Titular Bishop of *Samos*. Sir *Walter Raleigh* writes, that he was the only honest Man in this Parliament, who scorned his Life and Fortune, in Respect to his Sovereign's Right and his own Allegiance. *Prerogative of Parliaments*, p. 85.

This Bishop attended *Richard* in his Expedition to *Ireland*. See Vol. I. p. 500, 525.

Rapin, upon introducing an Abstract of this Speech, says, that the Commons, not satisfied with the bare Deposing of King *Richard*, would have had him tried in Form, and petitioned the King for that Purpose. His Marginal Note on this refers to *Cotton's Abridgement* for his Authority; whereas there is not one Word of this Petition mentioned in the *Abridger's* Account of this Parliament, nor on the Rolls themselves, *Rapin, Fel. Edit. p. 486.*

' first, Whether King *Richard* be sufficiently deposed or King *Henry IV.*
 ' no. Secondly, Whether King *Henry* be with good
 ' Judgment or Justice chosen in his Place. For the first
 ' Point we are first to examine, Whether a King, be-
 ' ing lawfully and fully instituted by any just Title,
 ' may, upon Imputation either of Negligence or of Ty-
 ' ranny, be deposed by his Subjects: Secondly, What
 ' King *Richard* hath omitted in the one, or committed
 ' in the other, for which he should deserve so heavy
 ' Judgment. I will not speak what may be done in a
 ' Popular State, or in a Consular; in which although
 ' one beareth the Name and Honour of a Prince, yet
 ' he hath not Supreme Power of Majesty; but, in the
 ' one, the People have the highest Empire; in the other,
 ' the Nobility and chief Men of Estate; in neither, the
 ' Prince. Of the first Sort was the Commonwealth of
 ' the *Lacedemonians*; who, after the Form of Govern-
 ' ment which *Lycurgus* framed, oftentimes fined, often-
 ' times fettered their Kings, and sometimes condemned
 ' them to Death; such were also, in *Cæsar's* Time, the
 ' petty Kings of every City in *France*, who were many
 ' Times arraigned upon Life and Death, and, as *Ambio-*
 ' *rix*, Prince of the *Leodienses*, confessed, had no greater
 ' Power over the People, than the People had over them.
 ' Of the second Condition were the *Roman* Emperors at
 ' the first; of whom some, namely, *Nero* and *Maximianus*,
 ' were openly condemned; others were suddenly sur-
 ' prized by Judgment and Authority of the Senate; and
 ' such are now the Emperors of *Germany*, whom the other
 ' Princes, by their Aristocratical Power, do not only
 ' restrain, but sometimes also remove from their Imperial
 ' State; such are also the Kings of *Denmark* and *Swede-*
 ' *land*, who are many Times by the Nobility dejected,
 ' either into Prison or into Exile; such likewise are the
 ' Dukes of *Venice*, and of some other Free States in *Italy*;
 ' and the chiefest Cause for which *Lewis* Earl of *Flanders*
 ' was lately expelled from his Place, was for drawing
 ' to himself Cognizance in Matters of Life and Death,
 ' which high Power never pertained to his Dignity.

[43]

' In these and such like Governments, the Prince
 ' hath not regal Rights, but is himself subject to that
 ' Power which is greater than his; whether it be in the
 ' Nobility or the Common People. But if the Sove-
 ' reign

King Henry IV. ' reign Majesty be in the Prince, as it was in the three
 ' first Empires, and in the Kingdom of *Judea* and *Is-*
 ' *rael*; and is now in the Kingdoms of *England*, *France*,
 ' *Spain*, *Scotland*, *Muscovy*, *Turkey*, *Tartary*, *Persia*,
 ' *Ethiopia*, and almost all the Kingdoms of *Asia* and
 ' *Africa*; although, for his Vices, he be unprofitable to
 ' the Subject, yea hurtful, yea intolerable; yet can they
 ' lawfully neither harm his Person, nor hazard his
 ' Power, whether by Judgment, or else by Force: For
 ' neither one, nor all Magistrates, have any Authority
 ' over the Prince, from whom all Authority is derived,
 ' and whose only Presence doth silence and suspend all
 ' inferior Jurisdiction and Power. As for Force, what
 ' Subject can attempt, or assist, or counsel, or conceal
 ' Violence against his Prince, and not incur the high
 ' and heinous Crime of Treason?

[44]

' It is a common Saying, Thought is free; free in-
 ' deed from Punishment of Secular Laws, except by
 ' Word or Deed it break forth into Action; yet the
 ' secret Thoughts against the sacred Majesty of a Prince,
 ' without Attempt, without Endeavour, have been ad-
 ' judged worthy of Death; and some who, in Auricular
 ' Confession, have discovered their treacherous Devices
 ' against the Person of their Prince, have afterwards
 ' been executed for the same. All Laws do exempt a
 ' Madman from Punishment, because his Actions are
 ' not governed by his Will and Purpose; and the
 ' Will of Man being set aside, all his Doings are indif-
 ' ferent, neither can the Body offend without a corrupt
 ' or erroneous Mind: Yet if a Madman draw his Sword
 ' upon his King, it hath been adjudged to deserve Death.
 ' And lest any Man should surmise that Princes,
 ' for the Maintenance of their own Safety and Sove-
 ' reignty, are the only Authors of these Judgments, let
 ' us a little consider the Patterns and Precepts of Holy
 ' Scripture. *Nebuchadnezzar*, King of *Affyria*, wasted
 ' all *Palestine* with Fire and Sword; besieged *Jerusalem*
 ' a long Time, and at the last took it; slew the King;
 ' burnt the Temple; took away the Holy Vessels and
 ' Treasure; the rest he permitted to the Cruelty and
 ' Spoil of his unmerciful Soldiers, who defiled all Places
 ' with Rape and Slaughter, and ruined to the Ground
 ' that flourishing City: After the Glut of this bloody
 ' Butchery,

Butchery, the People that remained he led captive into King *Henry IV.* *Chaldea*; there he erected his Golden Image, and commanded that they which refused to worship it, should be cast into a fiery Furnace.

What Cruelty, what Injustice, what Impiety is comparable to this? And yet God calleth *Nebuchadnezzar* his Servant, and promiseth Hire and Wages for his Service: And the Prophets *Jeremiah* and *Baruch* did write to the *Jews* to pray for the Life of him, and of *Belteshazzar* his Son, that their Days might be upon Earth as the Days of Heaven: And *Ezekiel*, with bitter Terms, abhorreth the Disloyalty of *Zedekiah*, because he revolted from *Nebuchadnezzar*, whose Homager and Tributary he was. What shall we say of *Saul*? Did he not put all the Priests to Execution, because one of them did relieve holy and harmless *David*? Did he not violently persecute that his most faithful Servant and dutiful Son-in-Law, during which Pursuit he fell twice into the Power of *David*; who did not only spare, but also protect the King; reprov'd the *Pretorian* Soldiers for their negligent Watch; and was touched in Heart for cutting away the Lap of his Garment; and afterwards caused the Messenger to be slain, who, upon Request, and for Pity, had lent his Hand (as he said) to help forward the voluntary Death of that sacred King? As for the contrary Examples, as that of *Jehu* who slew *Jehoram* and *Ahaziah*, Kings of *Israel* and *Judah*; they were done by express Oracle and Revelation from God, and are no more set down for our Imitation, than the robbing of the *Egyptians*, or any other particular and privileged Commandment; but in the general Precept, which all Men must ordinarily follow, not only our Actions, but our Speeches also, and our very Thoughts, are strictly charged with Duty and Obedience unto Princes, whether they be good or evil. The Law of God ordaineth, *That he which doth presumptuously against the Ruler of the People shall die*; and the Prophet *David* forbiddeth to touch the Lord's Anointed; *Thou shalt not rail upon the Judges, neither speak Evil against the Ruler of the People*. And the Apostles do demand further, that even our Thoughts and Souls be obedient to higher Powers; and lest any should imagine that they meant
‘ of

[45]

King Henry IV. ‘ of good Princes only, they speak generally of all ; and
 ‘ further, to take away all Doubt, they make express
 ‘ Mention of the Evil. For the Power and Authority
 ‘ of wicked Princes is the Ordinance of God ; and
 ‘ therefore *Christ* told *Pilate*, That the Power which he
 ‘ had was given him from above ; and the Prophet *Isaiah*
 ‘ calleth *Cyrus*, being a profane and heathen Prince,
 ‘ the Lord’s Anointed. For God stirred up the Spirit
 ‘ even of wicked Princes to do his Will ; and, as *Jeho-*
 ‘ *saphat* said to his Rulers, they execute not the Judg-
 ‘ ment of Man, but of the Lord : In regard hereof
 ‘ *David* calleth them Gods ; because they have their
 ‘ Rule and Authority immediately from God ; which if
 ‘ they abuse, they are not to be adjudged by their Sub-
 ‘ jects, for no Power within their Dominion is superior
 ‘ to theirs ; but God reserveth them to the forest Trial :
 ‘ Horribly and suddenly, saith the Wiseman, *will the Lord*
 ‘ *appear unto them, and a hard Judgment shall they have.*
 ‘ The Law of God commandeth, that the Child
 ‘ shall be put to Death for any Contumely done unto
 ‘ the Parents ; but what if the Father be a Robber ?
 [46] ‘ If a Murderer ? If for all Excess of Villainies, odious
 ‘ and execrable both to God and Man ? Surely he de-
 ‘ serveth the highest Degree of Punishments, and yet
 ‘ must not the Son lift up his Hand against him, for no
 ‘ Offence is so great as to be punished by Parricide :
 ‘ But our Country is dearer unto us than our Parents ;
 ‘ and the Prince is *Pater Patriæ*, the Father of our
 ‘ Country ; and therefore more sacred and dear unto us
 ‘ than our Parents by Nature, and must not be violated,
 ‘ how imperious, how impious soever he be : Doth he
 ‘ command or demand our Persons or our Purses ; we
 ‘ must not shun for the one, nor shrink for the other ;
 ‘ for, as *Nehemiah* saith, *Kings have Dominion over the*
 ‘ *Bodies and over the Cattle of their Subjects, at their*
 ‘ *Pleasure.* Doth he enjoin those Actions which are
 ‘ contrary to the Laws of God ? We must neither
 ‘ wholly obey nor violently resist, but with a constant
 ‘ Courage submit ourselves to all Manner of Punish-
 ‘ ment, and shew our Subjection by enduring, and not
 ‘ performing ; yea the Church hath declared it to be an
 ‘ Heresy, to hold that a Prince may be slain or deposed
 ‘ by his Subjects, for any Disorder or Default, either in
 ‘ Life,

* Life, or else in Government. There will be Faults King Henry IV.
 * so long as there are Men; and as we endure with Pa-
 * tience a barren Year if it happen, and unseasonable
 * Weather, and such other Defects of Nature, so must
 * we tolerate the Imperfections of Rulers, and quietly
 * expect either a Reformation, or else a Change.

* But, alas! good King *Richard*, why such Cruelty?
 * What such Impiety hath he ever committed? Exa-
 * mine rightly those Imputations which are laid against
 * him, without any false Circumstance of Aggravation,
 * and you shall find nothing objected, either of any
 * Truth, or of great Moment. It may be, that many
 * Errors and Oversights have escaped him, yet none so
 * grievous to be termed Tyranny; as proceeding rather
 * from unexperienced Ignorance, or corrupt Counsel,
 * than from any natural or wilful Malice. Oh, how
 * shall the World be pestered with Tyrants, if Subjects
 * may rebel upon every Pretence of Tyranny! How
 * many good Princes shall daily be suppressed by those,
 * by whom they ought to be supported! If they levy a
 * Subsidy, or any other Taxation, it shall be deemed
 * Oppression: If they put any to Death for Traiterous
 * Attempts against their Persons, it shall be exclaimed
 * Cruelty: If they do any Thing against the Lust and
 * Liking of the People, it shall be proclaimed Tyranny.

[42]

* But let it be that, without Authority in us, or De-
 * sert in him, King *Richard* must be deposed: Yet what
 * Right had the Duke of *Lancaster* to the Crown? Or
 * what Reason have we, without his Right, to give it to
 * him? If he make Title as Heir unto King *Richard*,
 * then must he yet stay untill King *Richard*'s Death;
 * for no Man can succeed as Heir to one that liveth.
 * But it is well known to all Men, who are not either
 * wilfully blind or grossly ignorant, that there are some
 * now alive, lineally descended from *Lionel* Duke of
 * *Clarence*, whose Offspring was, by Judgment of the
 * High Court of Parliament, holden the ninth Year of
 * the Reign of King *Richard*, declared next Successor to
 * the Crown, in case King *Richard* should die without
 * Issue: Concerning the Title from *Edmund Crouch-*
 * *back*, I will pass it over; seeing the Authors thereof
 * are become ashamed of so absurd Abuse, both of their
 * own

King Henry IV. ' own Knowledge and our Credulity ; and therefore
 ' all the Claim is now made by Right of Conquest ;
 ' by the Cession and Grant of King *Richard* ; and by
 ' the general Consent of all the People. It is a bad
 ' Wooll that will take no Colour : But what Conquest
 ' can a Subject pretend against his Sovereign, where the
 ' War is Insurrection, and the Victory high and heinous
 ' Treason ? As for the Resignation which King *Richard*
 ' made, being a pent Prisoner for the same Cause, it is
 ' an Act extorted by Force, and therefore of no Vali-
 ' dity to bind him : And seeing that, by the Laws of this
 ' Land, the King alone cannot alienate the antient
 ' Jewels and Ornaments pertaining to the Crown, sure-
 ' ly he cannot give away the Crown itself, and there-
 ' withall the Kingdom.

[48]

' Neither have we any Custom, that the People at
 ' Pleasure should elect their King ; but they are always
 ' bound unto him, who, by Right of Blood, is right Suc-
 ' cessor ; much less can they confirm and make good
 ' that Title, which is before, by Violence, usurped ; for
 ' nothing can then be freely done, when Liberty
 ' is once restrained by Fear. So did *Scylla*, by Terror
 ' of his Legions, obtain the Law *Velleia* to be made,
 ' whereby he was created Dictator for Fourscore Years :
 ' And, by like Impression of Fear, *Cæsar* caused the Law
 ' *Servia* to be promulged, by which he was made per-
 ' petual Dictator : But both these Laws were afterwards
 ' adjudged void. As for the Deposing of King *Edward*
 ' the Second, it is no more to be urged than the Poison-
 ' ing of King *John*, or the Murdering of any other good
 ' and lawful Prince (we must live according to Laws,
 ' and not to Examples) ; and yet the Kingdom was not
 ' then taken from the lawful Successor. But if we look
 ' back to Times lately past, we shall find that these Titles
 ' were more strong in King *Stephen*, than they are in
 ' the Duke of *Lancaster*. For King *Henry I.* being at
 ' large Liberty, neither restrained in Body, nor con-
 ' strained in Mind, had appointed him to succeed, as it
 ' was, upon good Credit, certainly affirmed. The People
 ' assented to this Designment ; and thereupon, without
 ' Fear, and without Force, he was anointed King, and
 ' obtained full Possession of the Realm". Yet *Henry*,
 ' Son

‘ Son of the Earl of *Anjou*, having a nearer Right, by his King *Henry IV*;
 ‘ Mother, to the Crown, notwithstanding his Father
 ‘ was a Stranger, and himself born beyond the Seas,
 ‘ raised such rough Wars upon King *Stephen*, that there
 ‘ was no End of spoiling the Goods and spilling the
 ‘ Blood of the unhappy People, besides the Ruins and
 ‘ Deformities of many Cities and Holds, untill his law-
 ‘ ful Inheritance was to him assured. It terrifieth me
 ‘ to remember how many flourishing Empires and
 ‘ Kingdoms have been, by Means of such Contentions,
 ‘ either torn in Pieces with intestine Division, or sub-
 ‘ dued to foreign Princes, under Pretence of Assistance
 ‘ and Aid; and I need not repeat how this Realm hath
 ‘ heretofore been shaken with these several Mischiefs.
 ‘ And yet neither the Examples of other Countries, nor
 ‘ the Miseries of our own, are sufficient to make us to
 ‘ beware.

[49]

‘ O *Englishmen*, worse bewitched than the foolish
 ‘ *Galatians* ! Our unstaied Minds and restless Resolutions
 ‘ do nothing else but hunt after our own Harms : No
 ‘ People have more Hatred abroad, and none less Quiet
 ‘ at home : In other Countries the Sword of Invasion
 ‘ hath been shaken against us : In our own Land, the
 ‘ Fire of Insurrection hath been kindled among us : And
 ‘ what are these Innovations, but Whetstones to sharpen
 ‘ the one, and Bellows to blow up the other ?

‘ Certainly I fear that the same will happen unto us
 ‘ which *Æsop* fableth to have been fallen unto the Frogs,
 ‘ who, being desirous to have a King, a Beam was given
 ‘ unto them ; the first Fall whereof did put them in
 ‘ some Fear, but when they saw it lie still in the Stream,
 ‘ they insulted thereon with great Contempt, and de-
 ‘ fired a King of quicker Courage ; then was sent unto
 ‘ them a Stork, which, stalking among them with stately
 ‘ Steps, continually devoured them. The Mildness of
 ‘ King *Richard* hath bred in us this Scorn, interpreting
 ‘ it to be Cowardice and Dulness of Nature ; the next
 ‘ Heir is also rejected : I will not say that with greater
 ‘ Courage we shall find greater Cruelty ; but if either of
 ‘ these shall hereafter be able to set up their Side, and
 ‘ bring the Matter to Trial by Arms, I do assuredly say
 ‘ that, which Part soever shall carry the Fortune of the
 ‘ Field, the People both Ways must go to Wreck. And
 ‘ thus

King Henry IV. ' thus have I declared my Mind concerning this Question, in more Words than your Wisdom, yet fewer ' than the Weight of the Cause, doth require ; and do ' boldly conclude, That we have neither Power nor ' Policy, either to depose King *Richard*, or to elect ' Duke *Henry* in his Place ; that King *Richard* remain- ' eth still our Sovereign Prince, and therefore it is not ' lawful for us to give Judgment upon him ; that the ' Duke, whom you call King, hath more offended ' against the King and the Realm, than the King hath ' done, either against him or us : For being banished ' the Realm for ten Years by the King and his Council, ' amongst whom his own Father was Chief ^a, and ' sworn not to return again without special Licence, he ' hath not only violated his Oath, but, with impious ' Arms, disturbed the Quiet of the Land, and disposses- ' sed the King from his Royal Estate, and now demand- ' eth Judgment against his Person, without Offence pro- ' ved, or Defence heard. If this Injury and this Per- ' jury doth nothing move us, yet let both our private ' and common Dangers somewhat withdraw us from ' these violent Proceedings ^b.'

[50]

For which he is
charged with
High Treason.

This Speech, says the Historian from whom we now quote, was differently taken, as Men were then differently affected, between Fear, Hope, and Shame ; yet the major Part, by far, shewed themselves in the Interest of their new King *Henry* ; and the Orator was instantly attached of High Treason, by the Earl Marshal, and sent Prisoner to the Abbey of *St. Alban's*. Whose Counsel, adds he, then contemned, was afterwards better thought upon ; partly in the Life-time of this King *Henry*, during whose Reign scarce a Year passed without

^a See before in Vol. I. p. 494, 520.

^b Our Immortal *Shakespeare*, in his Historical Play of King *Richard II.* has given us the Substance of this Speech, made by the Bishop of *Carlisle*, in his elegant Manner. *Theobald's* First Edition, p. 316.

The same great Poet, at the Conclusion of this Play, when the said Bishop was brought before *Henry* to receive his Sentence for being concerned in an Insurrection against him, makes the King speak thus :

King. " *Carlisle*, this is thy Doom.

" Chuse out some secret Place, some reverend Room,

" More than thou hast, and with it joy thy Life ;

" So, as thou livest in Peace, die free from Strife.

" For though mine Enemy thou hast ever been,

" High Sparks of Honour in thee I have seen."

Ibid. p. 340.

without much Slaughter and Execution ; but more especially in the Reigns succeeding. For, within the Space of thirty-six Years after this, twelve set Battles were fought in this Realm, and on this Quarrel, by *Englishmen* only ; and more than fourscore Princes, of the Blood Royal of *England*, slain by each other's Swords ^c. And, we may add, That the Hand of Death did not stop till it had actually extinguished all the Male Heirs of each Line.

It cannot be amiss to quote one whole Paragraph from a late Historian, containing his Reflections on the Conduct of this Parliament, in the Sentence of King *Richard's* perpetual Imprisonment ; and, what is agreed by more antient Historians, though it is not in the Records, that there was made to it this terrible and unjust Addition, *That if, at any Time, any Insurrection should be made in his Favour, he should be the first that should suffer Death for it* ^d. Because we think that here the Foreigner shews his Partiality on the Side of Monarchy, and seems to own that Parliaments are capable of acting as unjustly as the most absolute Kings (a Circumstance few will believe that have not well noted this Passage) and we therefore shall give it in his Translator *Tindal's* own Words ^e :

[51]

‘ It is not my Business to determine how far the Authority of the Parliament may be extended, with respect to the King's Person ; I shall only observe, that this is the second Instance of the Deposing of a King of *England*, without hearing his Defence, or so much as observing the usual Formalities prescribed by the Law, in the Trial of the meanest Subject. The Parliament which deposed *Edward II.* was satisfied with decreeing, that he should be kept in safe Custody during Life : But this Parliament, to *Richard's* Deposing, adds the Sentence of Death ; for no otherwise can the Condition be considered upon which his Life is granted. Let us farther remark, that one of the chief Articles of Accusation against this Prince, was his putting to Death the Duke of *Gloucester* his Uncle, without a previous Trial ; and this same Par-

Mr. Rapin's Remarks on the Sentence against King *Richard*.

VOL. II.

D

liament

^c Sir John Hayward, p. 110. Holling. p. 511.

^d Hall's Chron. Fol. X. and Grafton, p. 408.

^e Rapin, Vol. I. p. 487.

King Henry IV. Parliament condemns him unheard, upon his bare Confession, when a Prisoner; not that he is guilty of the particular Crimes laid to his Charge, but that he is, in his own Opinion, unworthy to wear the Crown. They are not content with stripping him of his Royalty, but order him to be imprisoned for Life. What do I say? They really condemn him to die, since, in seeming to grant him his Life, they add a Condition, which probably must soon make him lose it. If in perusing the Reign of *Richard II.* one cannot help detesting the Principles of the *Shrewsbury* Parliament, which tended to subject the Lives, Honours, and Fortunes of the Nation to the King's Will, what ought we to think of this? By a contrary Excess, they put the Life and Honour of the King himself in the Power of his Subjects, and refuse the Sovereign a Privilege, which every *English* Subject has a Right to demand. The Examples these two Parliaments afford, are a clear Evidence that the *English* Constitution can never pretend to that Degree of Perfection, boasted by some, till the Bounds to be prescribed to the Prerogative Royal, and the Privileges of Parliament, are precisely determined.

[52]

Farther Proceedings of this Parliament.

To proceed with the Business transacted in this Parliament: The Commons appeared again with their Speaker, and declared to the King, that the Duke of *Brittany* had sent Word that he was ready to do all which the King would desire him, and therefore prayed that the Earldom of *Richmond*, being his own Inheritance, might not be granted away by any Letters Patent; which Petition was made a Request from the Commons, and granted.

The Duke of *York*, the Earl of *Northumberland*, and others of Kindred to the Archbishop of *Canterbury*, prayed the King that the said Archbishop might have his Recovery against *Roger Walden*, who had been made Archbishop of *Canterbury* during the other's Exile, for sundry Wastes and Spoils done by the said *Roger* in the Archbishoprick aforesaid; which the King instantly granted, and thanked them for their Motion. But the Commons, upon hearing of this Award, prayed the King that, since they were not made privy to the Judgment aforesaid, no Record might be made to charge or make

make them Parties therein. To which the Archbishop ^{King Henry IV.} of *Canterbury*, by the King's Command, answered, 'That the Commons in Parliament were only Petitioners, and that all Judgments belong to the King ^{A particular Judgment against the Commons.} and Lords; unless it was in Statutes, Grants of Subsidies, or such like;' which Ordinance the King willed should be from that Time observed.

The two Northern Earls, *Northumberland* and *Westmoreland*, requested the King that he would purge them from a Reproach cast on them, 'That they had advised the King to make War on *Scotland*.' The King took it upon himself, and caused the Earl of *Northumberland* to ask every Lord there, separately, his Opinion relating to the said War; who all encouraged the King to undertake it. To which he added, by his own Mouth, first thanking them for their good Advice, *That he would venture both his Body and Blood in that Cause, or in any other for the Good and Safety of the Realm.*

[53]

To the King's eldest Son, besides the Titles and Principalities already conferred this Parliament, were added the Dukedoms of *Aquitain* and *Lancaster*; to the latter of which were given all such Liberties and Franchises as were heretofore granted to the Duke of the said Duchy; and that they should remain to his eldest Son, and to his Heirs, Dukes of *Lancaster*, dissevered from the Crown of *England*; and thereupon the King delivered a Charter thereof, made in Parliament, to *Henry* his eldest Son.

The King enacted, by the Assent of the Lords, That a certain new People, disguised in white Garments, coming from beyond Sea, and pretending great Sanctity, should in no wise be suffered to tarry or harbour within the Realm.

Next follow several private Affairs, too tedious to mention, except that, on the Petition of Sir *Thomas Haxey*, Clerk, the King pardoned and revoked the Judgment made against him in the 20th Year of King *Richard's* Reign, and restored him to Blood, and the Recovery of all his Goods, Livings, Lands, and Tenements &c.

D 2

Richard

§ He was then a Member of Parliament, and was sentenced to Death, for bringing in a Bill to regulate the King's Household, *Anno 20 Rich. II.* See Vol. I. p. 458, 484.

King Henry IV. *Richard Clifford*, then Keeper of the Privy Seal, *Richard Metford*, Bishop of *Salisbury*, and Master *Henry Bowett*, Clerk, were also restored as above; the last Person was soon after made Archbishop of *York*. The Commons also petitioned the King, That he would please to consider the poor Estate of the Duchess of *Ireland*, that the Lands of her own Barony might be assigned to her in this present Parliament. The King returned the Commons many gracious Thanks for this Prayer, and promised to be a good Lord to her, and to all his other Cousins.

Sir *William Rickhill*, one of the Judges to the late King, but now a Prisoner, was brought before the Parliament, and required to answer by what Warrant he took and certified the Confession of the late Duke of *Gloucester*, in the 21st Year of *Richard II.*^h and, by Order of the King, Sir *Walter Clopton*, Chief Justice of the King's Bench, was put to examine him. But *Rickhill* answering at full, and producing sufficient Authority for what he had done, and his sincere Dealing therein, the Lords unanimously declared, That they thought he had acted justly; and upon this the Chief Justice adjudged the said Sir *William* acquitted thereof for ever.

A very popular Affair was also done in this Parliament, which must have given this new King great Credit amongst his Subjects. The last Day of it, which was *November 19*, the King and the Lords ordained, That all the Remembrances, called *Raggemans*, or Blank Charters, formerly sealed for the City of *London*, and for divers Counties, Cities, and Boroughs in *England*, should be returned, and that Writs should be made out and sent to the said Counties, Cities, and Boroughs, rehearsing, That the King takes all the Resiants and Inhabitants in the said Places to be his good and faithful Subjects; and that no Confession by them made and comprized in the said Remembrances, is, or shall be, any Derogation to the State of any Person or Persons; that the said Remembrances should be torn and destroyed in the most open and public Place within the said Counties, Cities, and Boroughs; and that if any Record of them be made in any Court or Place, the King wills that it should be cancelled, and throughout revoked and repealed, and held of no Effect whatsoever.

Some

Some Petitions of the Commons, with the King's Answers King Henry IV.
to them, given in this Parliament.

Petition. ' That the Liberties of the Church, the Petitions of the Commons.
' Great Charter, and Charter of the Forests be confirm-
' ed.

Answer. *The King willeth the same*¹.

[54]

Pet. ' That the Lords Spiritual, Temporal, and the
' Judges, do not from henceforth plead, in Excuse, that
' they durst not, for Fear of Death, to speak the Truth.

Ans. *The King reputeth them all to be just, and
that they will not give him Counsel to the contrary; but
if they do, let Complaint be made.*

Pet. ' That all the King's Chief Officers be sworn
' to shun all Bribery, and such as are attainted thereof
' to lose all they have.

Ans. *Every such Officer, upon Attaint, shall be pu-
nished for his Misdoing; otherwise the Statutes already
made may suffice.*

Pet. ' That no Part of the Crown-Lands may be
' sold, given, or exchanged; and that there be a Re-
' sumption of such as are.

Ans. *The King will be advised of this.*

Pet. ' That every Man may pursue his Remedy for
' all Havock and Spoils committed since the coming
' of the King.

Ans. *For Spoils done where the King's Army hath
been, he will be advised; for the rest he granteth.*

Pet. ' That all Men dispossessed of any Tenements,
' without Proceſs of Law, may be restored, if done since
' the King's coming in.

Ans. *They are remitted to the Common Law.*

D 3

Pet.

¹ The Preamble to this Statute, and the rest in this Year, begins in this Manner:

' Henry. by the Grace of God, King of England, and of France, and
' Lord of Ireland; to the Laud and Honour of God and Reverence of Holy
' Church, for to nourish Unity, Peace, and Concord amongst all Parties
' within the Realm of England; and for Redress and Recovery of the same
' Realm, which now of late hath been dangerously put to great Ruin and
' Desolation, by the Assent of the Prelates, Dukes, Earls, Barons, and
' at the Instance and special Request of the Commons of the same Realm
' assembled at his Parliament, held at Westminster on the Feast of St. Faith
' the Virgin, the first Year of his Reign, hath made, ordained, and establish-
' ed certain Ordinances and Statutes in Form, as followeth.' *Statutes at
large, Anna 1 Henry IV.*

King Henry IV. *Pet.* ' That, in Consideration of the great Plague in
' the North, it would please the King to lie with his
' Army in the Midst of the Kingdom.

Answ. *The King will be advised.*

Pet. ' That the King will appoint able Captains, as
' well in *England* as in *Wales*.

[55]

Answ. *The King meaneth no less.*

' The Commons grant to the King, that he shall be
' as free, and enjoy as great Liberties, as any of his Pro-
' genitors had before him; whereupon the King, in Par-
' liament, promised that he would not turn the same
' contrary to the Laws.

Pet. ' The Commons pray the Reversal of the Judg-
' ment given against *Richard* Earl of *Arundele* in the 21st
' Year of King *Richard*, and that Restitution be made
' to *Thomas* his Son and Heir^k.

Answ. *The King hath shewn Favour to Thomas now
Earl, and to others.*

Pet. ' That such Records, touching the Inheritance
' of the said Earl of *Arundele* and *Surrey*, late embezzled,
' may be sought for and restored.

Answ. *The King willeth.*

Pet. ' They make the like Request for Restitution to
' be made to *Thomas* Earl of *Warwick*^l.

Answ. *The King hath shewn Favour to him also.*

Pet. ' They require a Repeal of the Act made *Anno*
' 21 *Richard* II. with a general Restitution of Lands
' and Goods to all such as lost thereby.

Answ. *The King has been gracious in this also, and for
the rest he will be advised^m.*

These

^k See Vol. I. p. 470, 496.

^l *Ibid.* p. 477, 502.

^m A Repeal of the whole Parliament holden 21 *Richard* II. and of the Authority given thereby was passed, and the Parliament held 11 *Rich.* II. confirmed. Also a Restitution to those, or their Heirs, who were attainted 21 *Richard* II. *Statutes at large*, An. 1. *Henry* IV. See before, in the First Volume, p. 412, 437, and 492, 517.

The Parliament 21 *Richard* II. was called, says *Hall*, the Evil Parliament for the Nobility, the worse for the Menalty, but the worst of all for the Commonalty. *Hall's Chron.* Fol. XI.

A general Pardon was also passed for Treason, Felony, &c. except to the Murderers of the Duke of *Gloucester*. *Stat. at large*, An. 1 *Henry* IV.

Hall writes, that an Act was passed this Parliament for entailing the Crown of *England* on this King *Henry*, his four Sons in Succession, and their Posterity; and hath given us the Substance of it. But nothing of this Nature appears on the Records, or in the Statute-Books, till An. 7. *Henry* IV. which see,

These were all or most of the Petitions and Answers, King *Henry IV.* on public Affairs, which passed in this Parliament: But there are yet some Matters in the Pleas of the Crown, entered on the Rolls at the End of this present Parliament, which deserve our Attention.

The Commons prayed the King, that the Lords, who were Appellants in the Parliament held the twenty-first of the late King *Richard*, may be called on to answer for their Acts done at that Time. The Records of which were brought and read in Parliament, in the Presence of *Edward Duke of Albemarle*, *Thomas Duke of Surrey*, *John Duke of Exeter*, *John Marquis of Dorset*, *John Earl of Salisbury*, and *Thomas Earl of Gloucester*. These were all the Accusers of the Archbishop and the rest of the Lords, in the Parliament of the 21st of *Richard II.* that were spared from Execution; except King *Henry* himself, then Earl of *Derby*, who was the principal Person concerned in that Affair.

The Duke of *Albemarle* was called on first, who pleaded in Excuse, 'That he was no Contriver of the said Appeal; and what he then did was by the King's Command, whom he durst not disobey: That, in relation to King *Henry's* Exile, and Revocation of his Patent, it was entirely against his Will, and he called certain Lords to witness the same: He also endeavoured to excuse himself from advising, or being any ways privy to, the Death of the Duke of *Gloucester*.'

Proceedings
against the Duke
of *Albemarle*,
and other Lords
Appellants, in
the 21st of *Richard II.*

The Duke of *Surrey* prayed the King to consider the tender Age and small Reputation he was in at the Time the Appeal was made. Afterwards, he answered in all Points, as the former Duke had done; all which he offered to prove when the King should appoint.

The Duke of *Exeter* pleaded also as above; only, in relation to the Duke of *Gloucester*, he added, that he heard King *Richard* say, that he should be slain.

The Marquis of *Dorset* affirmed as before; only he made no Mention of the Duke of *Gloucester*.

The Earl of *Salisbury* said, That he was drawn into the Appeal, for Fear of his Life; and for that he was accused by the Duke of *Norfolk*, that he should have meant to have slain the Duke of *Lancaster*, the King's Father; albeit he was ready, by the King's Order, to have disproved the Charge; but, for that he had not yet offered

King Henry IV. offered to acquit himself thereof, he asked Pardon for the same ⁿ.

The Earl of Gloucester affirmed the same with the Duke of *Albemarle*.

[57]

They are sentenced by Parliament to be deprived of their Honours ;

After these Noblemen had answered the several Questions, they were all ordered to withdraw, whilst the King and Parliament consulted what Sentence to award for them. And the King and Lords did adjudge, ' That the said Dukes, Marquis, and Earls, should lose their Names and Titles, and all the Honours thereto belonging ; and that they should forfeit all the Lands and Goods which they, or any of them, had given them at the Death of the said Duke of Gloucester, or at any Time since ; and that if they, or any of them, should espouse the Quarrel, or assist the Person, of King *Richard*, lately deposed, that then the same should be Treason.' Which Sentence or Judgment, by the King's Command, was pronounced by Sir *William Thyrning*, Lord Chief Justice of the King's Bench.

But are restored by the King.

But, after all, we find that, as to their Lands, it was left to the King either to continue them in Possession, or turn them out if he pleased : Yet *Henry*, willing to begin his Reign with some Acts of Clemency, not only left them their Estates, but some Time afterwards restored them to their Honours. Moreover, he made the Duke of *Exeter*, who had married his Half Sister, Governor of *Calais*. But *Walsingham** writes, that this mild Sentence on the Lords was greatly resented by the common People, both against the King and his Council, because they judged those Noblemen, by their late Proceedings, guilty of Death.

On the 19th Day of *November*, the Commons required, that the Arrest and Judgment against *William le Scrope*, Earl of *Wiltshire*, Sir *Henry Green*, and *John Bussy*, Knights, who had been executed without any Process at *Bristol*, might be confirmed in full Parliament^p. On which Sir *Richard le Scrope* stood up weeping, and humbly petitioned the King that nothing might be done to disinheret him or his Children, considering the said *William* was his Son. The Commons asked

ⁿ Vol. I. p. 491, 516.

* *Walsingham*, p. 362. *Fabian's Chron.* Fol. CLXV.

^p See Vol. I. p. 500, 525.

asked Sir *Richard*, if the Judgment against his Son was ^{King Henry IV.} lawful? Who answered, that it was lawful. Upon which the King said that he would have all the Lands of the Persons aforesaid forfeited to him by Way of Conquest, as of those who had been the chief Actors in the Parliament of the 21st of *Richard II.* But, nevertheless, he declared it was not his Intention to keep those Lands, &c. notwithstanding his Right to them as aforesaid; and told the said Sir *Richard* that he would not have the Lands that belonged to him, or any of his Children, that were alive, because he always took him for a true and loyal Knight. Whereupon the Commons thanked the King for his just Judgment, and blessed God for sending them such a King and Governor P.

[58]

The last Thing which we shall mention in the Proceedings of this Parliament, is some farther Inquiry made there in relation to the Duke of *Gloucester*; which, though not all mentioned in the Records, our older Chroniclers ^q, particularly *Hollingshead*, are very exact in describing. Sir *John Baggott*, then a Prisoner in the Tower, was brought to the Bar of the House, and there examined on the Affair of that Murder; who there declared, In a Bill then delivered in, 'That it was by
' the Advice and Instigation of the Duke of *Albemarle*
' that the Lords were apprehended by the King, and
' that the Duke of *Gloucester* was inhumanly murdered
' at *Calais*. That the Duke of *Norfolk* did keep the
' Duke of *Gloucester* alive three Weeks against the
' King's Will; but, for Fear of the King's Displea-
' sure, the said Duke and himself, with several of the
' King's Servants, went over to *Calais*, and saw him
' put to Death.' After this Declaration was openly
read, the Duke of *Albemarle* rose up and said, 'That
' he utterly denied the Charge to be true against him,
' and offered to justify his Innocency by Combat, in
' such Manner as should be thought requisite.' But,
Baggott not being at Liberty to accept the Challenge,
the Lord *Fitz-Walter*, and twenty other Lords, offered
to make it good by their Bodies, that he was the Cause

Inquiry into the
Murder of the
Duke of *Glou-*
cester.

of

P *Tiel Roy et Governour.* Record.

q *Hollingshead's Chron.* p. 511, 512, &c. Sir *John Hayward*, 112.
Daniel in Kennet, 274.

King Henry IV. of the Duke of Gloucester's Death. The Duke of Surrey stood up against the Lord Fitz-Walter, and having affirmed that what the Duke of Albemarle had done against the Duke of Gloucester was by Constraint, he offered to vindicate him by Fight; and all their Hoods, which they flung down as Pledges of their Intentions, were delivered to the Constable and Marshal to be kept. But these Differences the King thought proper to accommodate, in a Way more politic and more consistent with the Exigence of the Times, than suffering them to go on to a Martial Trial.

[59]

Baggott, in one of his Examinations before the House, mentioned one John Hall, then a Prisoner in Newgate, who could say much more than he, relating to the Death of the Duke of Gloucester. Which Hall, being sent for and examined, confessed the whole Matter; whose Examination, Confession, and Sentence passed against him, being on the Rolls, we shall give as extracted from the Records themselves.

‘ John Hall, a Servant of the Duke of Norfolk, being examined by Sir Walter Clopton, Chief Justice, in full Parliament, confessed, upon his Oath, That, in the Month of September, Anno 21 Richard II. the Duke of Norfolk charged the said John, among others, to murder the Duke of Gloucester, there being present one John Colfox, an Esquire of the said Duke of Norfolk; and that they two then being at Calais, went together to our Lady's Church, where they found William Hempsterley, Esq; as aforesaid; ——— Bradeston, Esq; as aforesaid; William Serle, of the Chamber of the late King Richard; Francis Valette, of the Chamber of the Duke of Albemarle; William Rogers, William Dennice, and ——— Cock, Servants to the said Duke of Norfolk; all whom were sworn upon the Body of Christ, before one Sir William Chaplin, of St. George's, in the Church of our Lady in Calais, that they should not disclose the said Fact or Murder.

‘ That, after this Oath made, they all together went with the Duke of Norfolk towards the House called the Princes Inn; and when they were come, the said Duke of Norfolk caused the Persons aforesaid to enter into a Lodging within the same House, and so departed.

‘ After which John Lovetostie, with sundry other Esquires,

Esquires, brought the Duke of Gloucester, and delivered King Henry IV. him to the said Serle and Franceis in an inner Parlour, and said, *There is Serle and Franceis*: Whereupon the Duke of Gloucester said, *Now I see I shall do well*; and so asked Serle how the King did? who said, Well; and sent to him Commendations, and then the said John Lovetoste departed.

‘Whereupon the said Serle and Franceis took the said Duke of Gloucester into an upper Chamber, saying, *That they would speak with him*; unto whom, when they were come there, they said, *That the King’s Will was, that he should be slain*; the Duke answered thereto, *If it be so, it is welcome*. That Serle and Franceis willed the Duke to take a Chaplain, whom the Duke there took, and was confessed.

[60]

‘After which Confession they caused the Duke to lie upon a Bed, upon whom so lying, the said Serle and Franceis threw a Feather-Bed, the Sides whereof the said William Rogers, Dennice, and Cock, of the Chamber, held; and Serle and Franceis lay on the Mouth of the said Duke untill he was dead; Colfox, Hempsterley, and Bradeston, sat that Night by the Duke on their Knees, weeping, and praying for the Soul of the said Duke; and Hall, this Examinant, kept the Door untill the Duke was slain.

‘After the Death of which Duke, the Duke of Norfolk came in, and seeing him dead, said, *It were a great Matter to have the said Duke living again*.

‘By which Confession, it seemed to the Lords that he the said John Hall had deserved a grievous Death; whereupon they adjudged, by the Assent of the King, that the same Hall should be drawn from Tower-Hill to Tyburn, his Bowels to be burnt before him, his Body to be hanged, headed, and quartered, and his Head to be sent and set upon Calais, and his Quarters at the King’s Pleasure; and the Marshal the same Day did Execution accordingly.’

Though the Reader may find that this Revolution was sufficiently sanctified by the Archbishop of Canterbury, and all the other Bishops, except one, concurring with it, yet a more formal Testimony was expected from them. And whilst the two Houses of Parliament were acting, in the Manner abovesaid, at Westminster, the Bishops

King. *Henry IV.* Bishops and Clergy met in the Convocation at *St. Paul's*. The King rightly judging that, in order to support himself on the Throne, it was necessary to make that Body his Friends, he sent the Earls of *Northumberland* and *Westmoreland* to assure them of his Protection. These Ambassadors, being admitted into the Assembly, said, 'That they were come from the King, not to demand Money, as was usual in the former Reign; but to acquaint the Clergy of the King's Resolution to maintain them in all their Privileges and Immunities. Adding, 'that they had Orders to assure the Convocation, that the King was ready to concur with them in whatever Means should be thought proper to extirpate Heresy, and punish obstinate Heretics.' They concluded with desiring the Clergy's Prayers for the Welfare of the King and Kingdom.

[61]

The King promises to assist the Clergy in extirpating Heresy.

The *French* Writer, before-quoted, remarks here, That nothing could be more apt to gain the Hearts of the Ecclesiastics, than the King's Promise to extirpate Heresy. The Number of the *Lollards*, which daily increased, gave the Clergy much Reason to fear that, in the End, a Reformation might be set on Foot, very detrimental to their Temporal Interests. Accordingly the Assurances the King gave the Convocation were received with great Demonstrations of Joy and Thankfulness; and the Reader will find, in the Course of this Reign, that he strictly kept his Word with them.

The King of France declares against Henry.

The next Year, *Anno 1400*, began with Troubles of various Kinds, but all levelled against *Henry* and his new-acquired Government. The King of *France*, whose Daughter *Richard* had married, was exceedingly exasperated at the late Revolution; and made great Preparations to revenge the Wrong done to his Son-in-Law. *Henry* had sent an Embassy into *France*, to excuse this Matter as well as he could, but the Envoys could proceed no farther than *Calais*; because the *French* King had not only denied them his Safe-Conduct, but had imprisoned an Herald they had sent to demand it. In this pressing Exigency, nothing but War being expected, and the Sinews of it very much wanted, *Henry* called a Great Council of Peers to meet at *Westminster* on the 9th Day of *February*, to consult of proper Measures to divert

A Council, of Peers only, call'd to prevent charging the Commons with any Tax for the War.

divert this Blow. In the Collection of *Public Acts* is a ^{King Henry IV.} long Memorial of what was concluded on in this Council; which, as it is there expressed, was called of Lords Spiritual and Temporal only, in this pressing Necessity, to avoid summoning any Parliament^r, and laying any Tax or Imposition on the Commons. They therefore consented to raise Forces at their own Expence; and in the List of the Names of the Peers then present, is an Account of what Number of armed Men each Temporal Lord engaged himself to bring; but the Spiritual, tho' there also named, were out of this Question.

[62]

Nor were the *Scots* less frightful to *Henry* on the other Side; but, taking Advantage of the Dissentions in *England*, they broke the Truce, and made several Inroads, with great Devastations and Plunderings. To stem this Tide, *Henry* carried his new-raised Forces towards *Scotland*; and, in his Way thither, he thought to have met a Parliament he had summoned to appear at *York*; for we find that Writs of Summons were sent out, directed to *Henry Prince of Wales, &c.* and dated at *Westminster* the 19th Day of *September*, for a Parliament to meet at *York*, on the Feast of *All-Saints* next coming. The Abridgement of the Records has given us no more than the Names of the Peers that were summoned to this Parliament; it is probable that the Business of it was interrupted by the Insurrections then made in the Nation in Favour of *King Richard*. It is not for our Purpose to be so particular as to describe all these first Attacks against this new-settled Government; we must refer our Readers to the larger *English* Historians for that Purpose. Sufficient it is to say, that these Civil Tumults were soon quashed, and the Authors of them suffered Death, or perpetual Imprisonment. In this Interval it was thought necessary that the unhappy Occasion, though innocent of them himself, should be also removed; and *Richard II.* underwent the same Fate with his Great Grandfather *Edward II.* to make sure Work, and prove this common Maxim true, that *There is but a small Space betwixt the Prisons and Graves of Kings*^r.

Anno Regni r.
1400.
At York.

Richard II. put
to Death.

After

^r Pour eschuire aucune Parlement estre summoner, &c. Fœd. Ang. Tom. VIII. p. 125, 126.

^s Authors differ as to the Manner of his Death. Some say he was murdered with a Poll-Ax: Others, that he was starved to Death.

King Henry IV. After these Commotions were, in some Measure,
 Anno Regni 2. 1401. quieted, another Parliament was summoned to meet on
 At Westminster. the 20th of *January*, in the second Year of this King,
 [63] when the Knights and Burgeſſes were called into the
 Chancery Court, in *Westminster-Hall*, before the Chan-
 cellor and the Steward of the King's Houſhold, by
 Name; upon whoſe Appearance, the Chancellor put
 off the Parliament to the next Day, by the King's Au-
 thority.

On the ſaid Day Sir *William Thyrning*, Chief Juſtice of
 the King's Bench, by the King's Command, declared,
 ' That this Parliament was called to the End that Holy
 ' Church, and other Corporations and Perſons ſhould
 ' enjoy their Liberties; that all good Laws ſhould be exe-
 ' cuted, and Juſtice truly miniſtered; and that nothing
 ' ſhould be done in Derogation of the Common Law.

He then rehearſed, ' What great Charges the King
 ' had been at for his Coronation; for ſuppreſſing the
 ' late Rebellion attempted by the Nobles; for his Ex-
 ' pedition againſt the *Scots*; and, laſtly, for reſiſting
 ' the Rebels in *North Wales*; all which Adventures
 ' he had undertaken in his own proper Perſon.' He
 further told them, ' That the King was bound to re-
 ' turn the Queen into *France*, with all ſuch Jewels and
 ' Riches as King *Richard*, lately deceaſed, had with her
 ' in Marriage. He put them in Mind of the Charges
 ' for keeping of *Calais*, and the King's other Fortreſſes
 ' abroad; eſpecially for the Duchy of *Guienne*, being
 ' annexed to the Crown, for the which War was likely
 ' to enſue, becauſe the King of *France* had created his
 ' eldeſt Son Duke of *Guienne*; and laſtly, for the Wars
 ' in *Scotland* and *Ireland*. For the Support of all which
 ' great Charges he urged the Lords and Commons to
 ' conſult and to conſider the Importance of them. And
 ' whereas, heretofore, ſeveral of the Lords and Com-
 ' mons ſummoned to Parliament were more intent in
 ' minding their own private Buſineſs and Concerns than
 ' that of the Realm, the King wills and commands, he
 ' ſaid, That no Lord, Knight of a County, Citizen or
 ' Burgeſs, come to this Parliament by Summons, ſhould
 ' abſent himſelf from it, or leave the Town on any Pre-
 ' tence whatſoever; but that they ſhould attend it every
 ' Day in the Places aſſigned for them. He concluded
 ' with

* with desiring the Commons to chuse a Speaker, and King Henry. IV.
 * to present him the next Day to the King.

Then the Receivers and Triers of Petitions were appointed for *England*, and the other Kingdoms and Countries abroad, as usual; and on the Day after, being *January 22*, the Commons presented to the King Sir *Arnold Savage* for their Speaker, who made the accustomed Protestation for himself and the Commons; Sir ARNOLD SAVAGE chosen Speaker. which was accepted and enrolled.

On the 25th, the Commons by their Speaker, in full Parliament, 'gave the King most hearty Thanks for his Promise of maintaining the Catholic Faith. They desired that the King would not give an Ear to any slanderous and untrue Reports concerning their Proceedings, but let the Event shew the same.' Which being promised, the Speaker went on and declared to the King, 'That to every good Government four Things appertained, viz. Wisdom, Prowess, Manhood, and Riches; all which he affirmed was in the King and his Nobility, as the World very well knew, and they would approve; for the Hearts and Goodwill of Subjects, which his Majesty had, were the Riches of a King. Therefore, for certain Reasons, the Commons would persuade the King not to agree to the Challenges which the *French* had made to him and the Lords.' This the King promised not to attempt without their Advice, and gave them Thanks for their tender Good-will to him'.

[64]

On the last Day of *January*, the Commons, by Word of Mouth prayed, that certain Petitions might be answered by the King; which he, again, desired might be put in Writing, and presented with their other Petitions, and that then he promised to answer them.

On the 21st of *February*, the Commons prayed the King to execute the Ordinance of King *Richard II.* upon the Conquest of *Wales*, viz. that no *Welshman* born should bear any Office in that Country, &c. The King promised to send for the Ordinance, and cause Execution of it.

They

* The Duke of *Orleans*, Brother to the *French* King, a Prince of great Courage and Reputation in Arms, had sent a Challenge to *Henry* to meet him at *Bordeaux*, with a hundred stout Warriors on a Side, there to fight, and each Victor to have his Prisoner. This Accident is placed two or three Years later by all our Historians.

King Henry IV. They then required the King, that, according to the Laws and Customs of the Realm, he would seize into his Hands the Houses and Lands of all Alien Priories and Donatives during the Wars. To this the King required Advice, and promised to do therein as the Bishops and Peers should instruct him.

[65]

The same Day, on a like Motion, the King revoked all Annuities granted out of the Custom of Woolls; and at the same Time they required the King to commit the Charge of Wooll-weighing, and the Inventory of King *Richard's* Goods, which the Treasurers had delivered to them, to some Persons as might make due Inquiry thereof, and discharge the Commons of it. They also desired, 'That all Matters transacted in this Parliament might be engrossed before the Departure of the Justices.' It was answered, 'That the Clerk of Parliament had Orders so to do.'

At the same Time the Commons declared, 'That it was not the usual Custom for them to grant any Subsidy before they had received Answers to their Petitions; and prayed the Observation of that Custom from thenceforth.' Upon this the King required a Conference with the Lords; and, on the last Day of the Session, gave the Commons this Answer, 'That there was never any such Use known, but that they should first go through with all other Business, before their Petitions were answered; which Ordinance the King intended not to alter.' After which a Subsidy was granted of one Tenth and one Fifteenth; Two Shillings on every Ton of Wine, and Eight-Pence in the Pound on Merchandize, for two Years to come.

▲ Subsidy.

Proceedings
against several
Lords for Treason, &c.

The Lords Temporal, with the King's Assent, adjudged *Thomas Holland*, late Earl of *Kent*; *John Holland*, late Earl of *Huntingdon*; *John Montagu*, late Earl of *Salisbury*; *Thomas Lord le Despenser* and *Ralph Lumley*, Knights, and several others, who were, for their Treasons and Rebellions, taken by certain of the King's Subjects, and beheaded as Traitors, that they should forfeit all such Lands as they had in Fee, *January* the 5th, in the First of this King, or at any Time after, together with all their Goods and Chattels. To which Judgment all the Lords present put their Names ^u.

But

^u To the Number of 25 Lords then present, of whom the Prince of Wales was Chief. *Record*,

But the Commons shewed themselves more charitable than the Lords; for, coming before the King, *March* the 9th, their Speaker, in an Oration he made to the Throne, took Occasion 'to liken the three Estates of the Realm to the Trinity, as consisting of King, Lords Spiritual and Temporal, and the Commons; wherein, adds he, ought to be Unity; and therefore prayed the King to reconcile the Earl of *Rutland* and the Lord *Fitz-Walter* *.' These Lords kneeling at the same Time, and submitting themselves to the King's Will, were both pardoned. The Commons first, and the Lords after, pray that the Earl of *Somerſet* might have the same Mercy extended to him as the Earl of *Rutland*, and be both restored to their Goods, Names, and Liberties, notwithstanding the Judgment given against them, *primo Regis*; which the King, with Thanks for their Motion, also granted. These Earls had forfeited the Titles of Duke of *Albemarle* and Marquis of *Dorset*, by that Judgment. The former of them, being Son to the Duke of *York*, had merited some Favour by being the first, tho' inadvertent, Discoverer of a dangerous Conspiracy against *Henry* †. Some more Acts of Clemency, to private Persons, were done in this Parliament, which the King, like a politic Prince, thought proper to gild his Cause with, and to establish his Throne in Mercy.

[66]

An Affair of the like Nature with the preceding, deserves also our Notice: It seems that *Henry le Spenser*, the famous Bishop of *Norwich*, so much spoke of in the Beginning of the last Reign ‡, had been accused by Sir *Thomas Erpingham*, then Vice-Chamberlain to the King, of being a Stirrer in the last Insurrections, or, at least, a Favourer of that Cause. The Bishop was sent for to come before the King in Parliament, and on his Appearance, *February* 9, the King ordered him to be placed in his accustomed Seat; then his Majesty declared, 'That he took the Accusations of the said Sir *Thomas* against the said Bishop to be just, and to proceed from the great Zeal the Accuser had for him; nevertheless,

VOL. II.

E

' theless,

* See before, p. 57, 58. He had lost his former Title.

† He was concerned in a Plot, with the Earls of *Kent*, *Huntingdon*, *Salisbury*, &c. [See p. 64, 65.] for restoring King *Richard*; but it being blown, he saved himself, by making the first Discovery.

‡ See Vol. I. p. 376, 401.

King Henry IV. ' theless, considering the Order of the said Bishop, and
 ' that he was of the King's Lineage, and to oblige him
 ' to better Behaviour for the future, he pardoned the
 ' said Bishop all his Misprisions done against his Person.' The whole Bench of Bishops stood up at this, and gave his Majesty their Thanks in open Parliament; and desired him to cause the said Bishop of *Norwich* and Sir *Thomas Erpingham* to shake Hands and kiss each other, in Token of Amity.

[67]

The Commons required the King to assist in pacifying the Schism then in the Church of *Rome*, which had continued a long Time, if it could be done without any Charge to this Realm. The Lords also desired the same; the King answered, ' That the Bishops
 ' should consider of it.' And, at home, in order to suppress the Reformers, or the Followers of *Wickliffe's* Doctrine, which was still adhered to by many, a Writ is mentioned in the Records of this Parliament to be sent to the Sheriffs of *London* for the burning of *William Sawtre*, a Clerk, convicted of Heresy by his Clergy, and by them adjudged to be burnt^a. There was also
 a Statute made at this Session of Parliament, touching the imprisoning, or punishing with Death, such as held any erroneous Opinion in Religion; but *Prynne* remarks, that the printed Statute differs greatly from the Record, not only in Form, but much more in Matter, in order to maintain Ecclesiastical Tyranny^b. Further, he adds, ' That this was the first Statute and butcherly
 ' Knife,

An Act for putting Heretics to Death.

^a Parish Priest of *St. Oysib* in *London*. *Stowe* says, He was the first Man that suffered Death for Religion in *England*. The Writ from the King directed to the Mayor and Sheriffs of *London*, *ad comburendum* Willielmum Sautre, Capellanum, is in *Rymer's Fœd. Ang.* Tom. VIII. p. 178, and on the Rolls, 2 *Henry IV.* N^o. 29.

^b This Act having been repealed, by Parliament, 25 *Henry VIII.* and several Times since, is not printed at large in our Statute-Books. An Abstract of it is given, *Anno. 2 Hen. IV. cap. xv.* in this Manner: ' The
 ' Catholic Faith and the Holy Church, amongst all the Kingdoms of the
 ' World, hath been very devoutly observed in *England*, and endowed,
 ' which hath not been troubled with Heresy; and therefore none shall
 ' preach without Licence from the Diocesan of the same Place. None
 ' shall preach or write any Book contrary to the Catholic Faith, or the
 ' Determination of Holy Church. None shall make any Conventicles of
 ' such Sects and wicked Doctrines, nor shall favour such Preachers. Every
 ' Ordinary may convene before him, and imprison, any Person suspected of
 ' Heresy. An obstinate Heretic shall be burnt before the People, &c.' See *Collier's Ecclesiastical History*, p. 614, &c. *Tindal*, in his Notes on *Rapin*, says, That this bloody Statute was not repealed till the Year 1677. Folio Edition, 491, N^o. 4.

‘ Knife, that the impeaching Prelates procured, or had, ^{King Henry IV.} against the poor Preachers of *Christ’s* Gospel.’ Master Fox has a Fling at it also, and says, that King *Henry IV.* who deposed King *Richard II.* was the first of all *English* Kings that began the unmerciful Burning of *Christ’s* Saints ^c.

However, some other Laws were made in this Parliament, of great Use and Advantage to the State, ^{Another against Provisions from Rome.} viz. That no Provisions should be brought from *Rome*,

‘ by any Religious Person, to exempt them from Obedience to the Secular Power; and that all such Persons who shall bring any such Provisions into the Nation, shall incur a *Præmunire*. That no Person shall carry any Gold or Silver Coin out of the Nation, without a special Licence from the King; and if any one shall presume to do the contrary, he shall forfeit all the said Coin to the King. That the Chirographer of the Common-Pleas, the Clerk of the Crown and King’s Bench, and the Marshal of the Marshalsea of the King’s House, should take no greater Fees than what are prescribed and limited by the Statutes ^d.’

[68]

By these Acts, says an Historian, the due Subjection of the Clergy and People was preserved and secured to the King; the Traffick of the Nation promoted; and the Courts of Justice made easy, and not an intolerable Grievance, as since they have been, to all such as seek their Rights ^e.

There is a long Chain of Petitions from the Commons, with the Answers to them on the Rolls, and in the Abridgement of them; but as they are most of them on Law Affairs, or private Properties, we shall omit them, and hasten to a Conclusion of this Parliament, which may be thought too tedious already.

On *Thursday* the 10th of *March*, being the last Day of this Parliament, the Commons all kneeled before the King, and besought him to pardon them, if, through Ignorance, they might have offended him; which the King readily granted. Their Speaker, in his Address to the King on this Occasion, made a long Preachment, comparing the Beginning and Ending of this Parliament to

E 2

the

^c Fox’s *Acts and Monuments*, p. 675.

^d See *Statutes at large*, Anno 2 *Henry IV.*

^e *Daniel in Kennet*, p. 283.

King Henry IV. the Sacrifice of the Mass : He said, That at the first the Archbishop of *Canterbury* read the Epistle and expounded the Gospel to them ; the King did the Sacrifice, by promising to defend and protect Holy Church, &c. and when they were come to the End, to say *Ita missa est Deo Gratias*, he added, they had great Reason to thank God for sending them so good and gracious a King, so full of Pity and Humanity to all his Subjects, &c. &c. and so ended this Parliament.

[69]

Insurrection in
Wales.

Henry's new-got Diadem was by no Means easy on his Head as yet ; for a dangerous Insurrection was begun in *Wales*, under the Conduct of *Owen Glendour*. This *Welsh* General made an Incurſion into *Herefordshire*, where, being opposed by *Edmund Mortimer*, Earl of *March*, who, as is said before, was retired to his Castle of *Wigmore* in that County, the latter was defeated and taken Prisoner^f. Henry was no ways displeased at this News ; nor in any Haste to have the captive Earl released from Imprisonment, and he himself was, at length, more reconciled to it ; for by Henry's Jealousy of every Thing relating to his Crown, and his Severity to those who either could or would dispute it with him, the captive Earl might think himself safer in Prison than in his own House. This dreaded Enemy being secured, Henry still knew there were not wanting in the Kingdom Persons who laid hold of every Occasion to find Fault with his Conduct. There was still a dangerous Ferment amongst his Subjects ; and if the Malecontents remained quiet, it was only in Expectation of a favourable Opportunity to rise. Reports were spread that King *Richard* was yet alive ; but the Authors of them being found out, suffered Death without Mercy. The King's great Severity, shewn on this Occasion, contributed very much to efface the good Opinion before conceived of his Clemency and Humanity.

Anno Regni 3. In the Midst of these Confusions and Anxieties, Henry
1402. found himself obliged to call a Parliament ; for we find,
At Westminster. in the *Abridgement of Records*, that Writs were sent out for one to meet at *Westminster*, the Day after *Candlemas*, in the third of this King, and in the Year

1402 ;

^f See before, p. 21.

1402; but nothing more is given of it, than the Names King Henry IV. of the Peers summoned to it &c.

And it was not till the next Year that another Parliament was summoned to meet at the same Place, on the Morrow after St. Michael, or September the 30th. Which being assembled, and the Knights, &c. called over as usual, in the Court of Chancery, the next Day the Lord Chancellor, in the Presence of the King, declared the Cause of their Meeting to be, first, for preserving the Rights and Liberties of Holy Church, and of all Corporations and Persons.

Anno Regni 4.
1403.

At Westminster.

[70]

Then he took for his Theme, *Pax multa diligentibus Legem*; from which he took Occasion 'To commend Peace, and to shew the great Blessings of it. He said, 'That Peace was always with those that obeyed the 'Laws; and, contrarily, he urged the Gall and Mis- 'chief of Dissention and Disobedience; and that there 'was no other Way to check Peace-breakers than by 'War. He declared that, by Dissention and private 'Discord, the Flower of all Chivalry, the Stock of 'Nobles within this Realm, was, in a Manner, lately 'consumed; and that the whole Nation was in Danger 'of being subverted, had not God, as a Deliverer, raised 'up the King.

'He put them in Mind of the King's late great Vic- 'tory against the *Scots*; he much lamented the great 'Schism in the Church, by having two Popes; and told 'them that the King intended to do his Part towards 'healing the same. He then desired them to provide 'Ways and Means for maintaining the War against 'Scotland; for utterly subjecting the Enemies of *Wales*; 'for wholly conquering *Ireland*, and putting a Stop to 'their Prince in that Country; for defending *Guienne*, 'Calais, and the Marches thereof; and desired the 'Commons to chuse a Speaker, and to present him on 'the Morrow for Approbation.'

The next Day the Commons presented Sir Henry de Redford for their Speaker, who making the common Protestation, it was granted. This House took several Days to consider of the Lord-Chancellor's Charge to

Sir HENRY DE
REDFORD cho-
sen Speaker.

E 3

them;

Most Historians write, That this Parliament met at *Coventry*, but that by the Inconvenience of the Place, on Account of Provisions and Lodgings, it was adjourned to *Westminster*.

King Henry IV. them; and we find that they were much at a Loss what to determine. For, on the 10th of *October*, the Chancellor acquainted the King, That the Commons desir'd to have certain of the Lords sent to them, with whom they might confer. The King granted their Request, with this Protestation, *That the same was done out of Favour, and not of Duty*; which Protest was inrolled by the Clerk. Then the King sent the Steward of his Household and his Secretary to the Commons, to acquaint them with it; who returned for Answer to the King, That they accepted of his Protestation; and accordingly four Bishops, four Earls, and four Barons were ordered to attend them.

[71]

The King's Successes in *Wales*, *Ireland*, and *Scotland*,

On the 16th of *October*, the Commons, in full Parliament, by the Mouth of their Speaker, 'Gave to the King their most humble Thanks for his many valiant Exploits, namely, for his last Expedition into *Scotland*, and for his three several Journies into *Wales*, since the former; wherein, they took Occasion to praise the Valour of the Prince; and forgot not to mention the noble Service performed by the Lord *Thomas*, the King's second Son, in *Ireland*. As for the Victory in *Scotland*, they humbly hoped that, by good Policy; it might be made to turn to the Advantage and Ease of the Commons; and because, in that Battle, the Earl of *Northumberland* behaved gallantly, they prayed the King to give him Thanks.'

Scots and French Prisoners brought before the Parliament.

On the 20th, the King being placed on his Royal Throne, the Earl of *Northumberland* and other Lords brought before him Sir *Mordach le Steward*, Son and Heir to the Duke of *Albany*, Brother to the King of *Scots*; the Lord *Montgomery*, Sir *William Graham*, Sir *Adam Forester*, *Scots*; and Sir *Jaques de Heleye*, Sir *Pierce Hazars*, and *John Dorney*, Esq; *Frenchmen*, who, with others, were taken Prisoners in the Battle of *Humbleton-Hill*, near *Woollar*, in the County of *Northumberland*, on the Day of the Exaltation of Holy Cross, or September the 14th last past.

These

§ Or *Halidown-Hill*. This Battle was gained by the Earl of *Northumberland* and Henry, surnamed *Hotspur*, his Son, where 10,000 *Scots* were slain, and many taken Prisoners. But a Quarrel soon after arose between the King and the Earl about these Prisoners, which had like to have been of fatal Consequence to the King; but was really so, in the End, to the Earl and his whole Family.

These Prisoners, in coming into the King's Presence, King Henry IV kneeled three Times; first at the Door of the *White-Hall* within the King's Palace, then in the Midst of the Hall, and lastly before the Throne; and, whilst they were still kneeling, Sir *Adam Forester*, in the Name of them all, humbly prayed the King, That they might be entertained according to the Course of War; which the King, because they were taken valiantly fighting in the Field, readily granted. Then the said Sir *Adam* declared 'That, in order to stop the Effusion of Christian Blood, it was now in the King's Power to have either a final Peace or a League.' Upon which the King answered, *That, by his own Flattery and Untruth, he was taught to be wiser than to trust them; since he had caused the King, by relying on his Word, to leave Scotland sooner than he intended to do.* Sir *Adam* asked Pardon for this, and then they were committed to the Care of the Steward of the Household, to wait the King's Pleasure.

[72]

On the 6th of *November*, the Commons prayed the King to consider the Loyalty of *John* Earl of *Somerset*, and to restore him to the Name and Honour of Marquis, which he lately lost. The King required Advice upon this; but the Earl kneeling said, That as the Title of Marquis was new and unusual in this Kingdom, therefore desired that he might be excused from taking it.

On the 25th of the same Month the Commons, with Assent of the Bishops and Lords, granted to the King the usual Subsidy on Woolls, Wooll-fells and A Subsidy granted. Skins, for three Years; also Three Shillings on every ^{ed.} Ton of Wine, and Twelve-pence in the Pound on Merchandize, besides a Tenth and a Fifteenth. This large and extensive Grant put the King into such a good Humour, that he sent the Earl of *Northumberland* to invite the whole Body of the Parliament to dine with him the next Day; which, we suppose, they did accordingly. And, there being nothing worth our Notice, either in the farther Proceedings of this Parliament, or in the Petitions, we shall conclude with the Dissolution of it, which was on the 25th of *November* aforesaid ^h.

This

^h In a Preamble to Letters Patent granted in this Parliament to one *Job* ^s *Kelyngton*, Clerk, as a Release from several Sums of Money, Jewels, &c. he was entrusted with by the late King, the present stiles him; *Cariſm* *Dominus et Consanguineus noster Ricardus nuber Rex Ang. defunctu*

King Henry IV. This Year a dangerous Rebellion was set on Foot, which had like to have proved fatal to the King and his Government. The principal Agents in it were the Family of *Piercy*, with the Earl of *Northumberland* their Head, who had been the chief Instruments of raising *Henry* to the Throne. But, growing jealous of one another, they soon lost all Respect, and turned from fast Friends to be the most mortal Enemies. The Battle of *Humbledon* or *Halidown-Hill*, led on by the Earl and *Henry Piercy*, surnamed *Hotspur*, his Son, (where it is said that 10,000 *Scots* were slain, and many taken Prisoners, the Principal of which had been presented to the King in Parliament) was the chief Motive. For, a Dispute happening between *Henry* and the Malecontents, about the Disposal or Exchange of some Prisoners, they took that Opportunity to raise Forces, and bid Defiance to the Sovereign of their own making. *Henry* was as active in his Opposition, and brought down an Army which met with the discontented Lords at *Shrewsbury*, where a terrible Battle was fought between them. *Hall*, in his Chronicle, tells us, that the Night before the Battle, the Earl, his Brother, and Son, sent a Challenge to *Henry*, comprized in several Articles, which severely treated and branded him with Usurpation and Perjury. These Articles are given at Length by the aforesaid old Historian, but are strangely abridged and mangled by the Moderns; therefore, though not strictly Parliamentary, they well deserve a Place in these Inquiries, and are as follow^h:

Their Remonstrances against *Henry*.

WE *Henry Piercy*, Earl of *Northumberland*, High Constable of *England*, and Warden of the West Marches of *England* towards *Scotland*; *Henry Piercy*, our eldest Son, Warden of the East Marches of *England* towards *Scotland*; and *Thomas Piercy*, Earl of *Worcester*, being Proctors and Protectors of the Commonwealth, before our Lord *Jesus Christ*, our Supreme Judge, do alledge, say, and intend to prove with our Hands personally, this instant Day, against thee *Henry Duke of Lancaster*, thy Complices and Favourers, unjustly presuming and named King of *England*, without Title of Right, but only of thy Guile

' Guile and by Force of thy Fautors, That when thou, *King Henry IV.*
 ' after thine Exile, didst enter *England*, thou madest an
 ' Oath to us upon the Holy Gospels, bodily touched
 ' and kissed by thee at *Doncaster*, that thou wouldst ne-
 ' ver claim the Crown, Kingdom, or State Royal, but
 ' only thine own proper Inheritance, and the Inheritance
 ' of thy Wife in *England*; and that *Richard*, our So-
 ' vereign Lord the King and thine, should reign during
 ' the Term of his Life, governed by the good Counsel
 ' of the Lords Spiritual and Temporal. Thou didst
 ' imprison the same thy Sovereign Lord, and our King,
 ' within the Tower of *London*, untill he had, for Fear
 ' of Death, resigned his Kingdoms of *England* and
 ' *France*, and had renounced all his Right in the fore-
 ' said Kingdoms, and others his Dominions and Lands
 ' beyond the Sea. Under Colour of which Resignation
 ' and Renunciation, by the Council of thy Friends and
 ' Complices, and by the open Noising of the Rascal
 ' People, by thee and thy Adherents assembled at *West-*
 ' *minster*, thou hast crowned thyself King of the Realms
 ' aforesaid; and hast seized and entered into all the
 ' Castles and Lordships pertaining to the King's Crown,
 ' contrary to thine Oath; wherefore thou art foresworn
 ' and false.

[74]

' Also, we do alledge, say, and intend to prove,
 ' That whereas thou sworeft upon the same Gospels, in
 ' the same Place and Time to us, that thou wouldst
 ' not suffer any Dismes to be levied of the Clergy, nor
 ' Fifteenths of the People, nor any other Tallages and
 ' Taxes to be levied in the Realm of *England* to the
 ' Behoof of the Realm during thy Life, but by the
 ' Consideration of the Three Estates of the Realm, ex-
 ' cept for great Need, in Cases of Importance, or for
 ' the Resistance of our Enemies only, and none other-
 ' wise: Thou, contrary to thine Oath so made, hast
 ' caused to be levied right many Dismes and Fifteenths,
 ' and other Impositions and Tallages, as well of the
 ' Clergy as of the Commonalty of the Realm of *England*,
 ' and of the Merchants, for Fear of thy Majesty Royal;
 ' wherefore thou art perjured and false.

' Also we do alledge, say, and intend to prove, That
 ' whereas thou sworeft to us upon the same Gospels,
 ' in the foresaid Place and Time, that our Sovereign
 ' Lord

King Henry IV. ‘ Lord and thine, King *Richard*, should reign during
 ‘ Term of his Life in his Royal Prerogative and Dig-
 ‘ nity ; thou hast caused the same our Sovereign Lord
 ‘ and thine, traiterously, within the Castle of *Pontefrete*,
 ‘ without the Consent or Judgment of the Lords of the
 ‘ Realm, by the Space of fifteen Days and so many
 ‘ Nights (which is horrible among Christian People to
 [75] ‘ be heard) with Hunger, Thirst, and Cold, to perish
 ‘ and be murdered ; wherefore thou art perjured and
 ‘ false.

‘ Also, we do alledge, say, and intend to prove, That
 ‘ thou at that Time, when our Sovereign Lord and thine,
 ‘ King *Richard*, was so by that horrible Murder dead
 ‘ as abovesaid, thou, by extorted Power, didst usurp
 ‘ and take the Kingdom of *England*, and the Name
 ‘ and the Honour of the Kingdom of *France*, unjustly
 ‘ and wrongfully, contrary to thine Oath, from *Ed-*
 ‘ *mund Mortimer*, Earl of *March* and of *Ulster*, the
 ‘ then next and direct Heir of *England* and of *France*
 ‘ immediately by due Course of Inheritance after the
 ‘ Decease of the foresaid *Richard* ; wherefore thou art
 ‘ perjured and false.

‘ Also, we do alledge, say, and intend to prove, as
 ‘ aforesaid, That whereas thou madest an Oath in the
 ‘ same Place and Time, to support and maintain the
 ‘ Laws and good Customs of the Realm of *England* ;
 ‘ and also afterward, at the Time of thy Coronation,
 ‘ thou madest an Oath, the said Laws and good Cu-
 ‘ stoms to keep and conserve inviolable : Thou and
 ‘ thy Fautors, fraudulently, and contrary to the Law
 ‘ of *England*, have written almost through every Shire
 ‘ of *England*, to chuse such Knights for to hold a Par-
 ‘ liament as shall be for thy Pleasure and Purpose ; so
 ‘ that in thy Parliaments no Justice should be minister-
 ‘ ed, against thy Mind, in these our Complaints now
 ‘ moved and shewed by us, whereby at any Time we
 ‘ might have any perfect Redress, notwithstanding that
 ‘ we, according to our Conscience (as we trust ruled
 ‘ by God) have oftentimes thereof complained, as well
 ‘ can testify and bear Witness the Right Reverend Fa-
 ‘ thers in God, *Thomas Arundele*, Archbbishop of *Can-*
 ‘ *terbury*, and *Richard Scrope*, Archbishop of *York* :
 ‘ Wherefore, now by Force and Strength of Hand, be-
 ‘ fore

‘ fore our Lord *Jefus Chrift*, we muft seek our Remedy King *Henry IV.*
 ‘ and Help.

‘ Also, we do alledge, fay, and intend to prove, That
 ‘ whereas *Edmund Mortimer*, Earl of *March* and *Ulfter*,
 ‘ was taken Prifoner by *Owen Glendour*, in a pitched and
 ‘ foughten Field, and caft into Prifon, and laden with Iron
 ‘ Fetters, for thy Matter and Caufe, whom falſely thou
 ‘ haſt proclaimed willingly to yield himſelf Prifoner to
 ‘ the ſaid *Owen Glendour*, and neither wouldſt deliver him
 ‘ thyſelf, nor yet ſuffer us his Kinſmen to ransom and
 ‘ deliver him: Yet notwithstanding, we have not only
 ‘ concluded and agreed with the ſame *Owen* for his
 ‘ Ransom, at our proper Charges and Expences, but
 ‘ alſo for a Peace between thee and the ſaid *Owen*.
 ‘ Why haſt thou then not only publiſhed and declared us
 ‘ as Traitors, but alſo craftily and deceitfully imagined,
 ‘ purpoſed, and conſpired the utter Deſtruction and Con-
 ‘ fuſion of our Perſons? For the which Caufe we deſy
 ‘ thee, thy Fautors and Complices as common Traitors
 ‘ and Deſtroyers of the Realm, and the Invaders, Op-
 ‘ preſſors, and Confounders of the very true and right
 ‘ Heirs to the Crown of *England*; which Thing we
 ‘ intend with our Hands to prove this Day, Almighty
 ‘ God helping us.’

[76]

This Charge was ſent to King *Henry* from the Lords, A Battle enſues, wherein they are routed.
 by two Eſquires, who, having read them, answered, very
 ‘ coolly, ‘ That he was ready to prove their Quarrel to
 ‘ him falſe and feigned, by dint of Sword and bloody
 ‘ Battle, and not by ſlanderous Words and Writings;
 ‘ and that he doubted not but Almighty God would aid
 ‘ and aſſiſt his righteous Caufe, againſt ſuch unfaithful
 ‘ Perſons and falſe foreſworn Traitors.’ Accordingly,
 the next Day a fierce and bloody Battle was fought,
 near *Shrewsbury*; where, though, at firſt, the Lords had
 the Advantage, yet, in the End, that furious young
 Hero, *Hotſpur*, being ſlain, their whole Army was
 routed, killed on the Spot, or taken Prifoners. Amongſt
 the laſt was *Thomas Piercy*, Earl of *Worceſter*, who was
 preſently beheaded in the Field.

This Battle was fought *July 22, 1403.* The Earl
 of *Northumberland* himſelf was then with an Army in
 the *North*; but the King marching againſt him, he
 thought

King Henry IV. thought fit to come in upon the Terms offered to save himself and Fortune.

Anno Regni 5.
1404.

At Westminster.

[77]

The very next Winter, in the 5th Year of this King's Reign, another Parliament was summoned to meet at *Westminster*, the Day after *St. Hilary*, or *January* the 14th: When being all assembled, the Bishop of *Lincoln*, the King's Brotherⁱ, and then Lord Chancellor of *England*, in the Presence of the King, Lords, and Commons, declared the Cause of the Parliament, for the Preservation of Holy Church, &c.

He then took for his Text these Words, *Multitudo Sapientum*, and thereby learnedly argued, 'That by Council every Realm was governed; he resembled every State to the Body of a Man, and applied the Right Hand to the Church, and the Left to the Temporal Lords, and the rest of the Members to the Commonalty; of all which Members and Estates, the King, as the Head, was desirous to have their Advice on divers Occasions, and had called the said Parliament for that Purpose.

'The first Thing that he put them in Mind of, was the utter Suppression of the *Welsh* Rebellions; for repelling the Malice of the Duke of *Orleans*, and the Earl of *St. Paule*, who had bent themselves wholly against the King and Realm, as appeared by their late Descent upon the Isle of *Wight*, where they were repulsed. To consider also the imminent Danger that the Marshes of *Calais*, *Guienne*, and other Dominions, beyond Sea, were then in; to remember the Wars in *Ireland* and *Scotland*, and likewise to take Order touching the late Rebellion under *Henry Piercy*, and others his Adherents, at the late Battle at *Shrewsbury*; and then desired the Commons to chuse, and the next Day to present, their Speaker.'

Sir ARNOLD SAVAGE chosen Speaker.

Accordingly, the next Day the Commons came before the King, and presented Sir *Arnold Savage* for their Speaker: Whereupon the said Sir *Arnold* made the usual Protestation for himself and the Commons, which was allowed.

The

ⁱ This Prelate was *Henry Beaufort*, Half-Brother to the King by *Katherine Swinford*, his Father's Mistress.

The first Things we find that the Commons in this ^{King Henry IV.} Parliament went upon, amongst many others, were these, ' They desired the King to have Regard to the ' Charges for repressing the *Welsh* Rebels, and safe [78] keeping of the Sea ; to consider the great Expences of ' his own Household ; and that both the King and Prince ' might give Liveries according to the Statute made for ' that Purpose. That the King would provide for the ' Repairs of his Castles and Houses, and, namely, for ' his Castle at *Windfor*, which were all greatly in Decay ; and not grant away the Profits of those Castles ' and Houses, and stand to the Repairs of them himself ; ' by doing which he must be obliged to charge his ' Commons greatly ; which might endanger the whole ' Estate.'

On the 18th of *February*, the Earl of *Northumberland* came into Parliament, before the King and Lords, and there presented a Petition to the King, the Tenor whereof being entered on the Rolls, in *English*, the national Language of the Times, we shall subjoin in its own Diction and Orthography.

The Earl of
Northumberland
pardoned.

To my most dredfull and Sovereigne lige Lord.

I Your humble Liege beseeche to your Hynesse to have in Remembrance my comeing to your worshipfull Presence into Yorke of my free Will, be youre goodly Letters, where I putte me in youre Grace, as I that nocht have kepte youre Laws and Statutys as Ligeance asketh, and specially of gederyng of Power and gevyng of Liveries: As at that Tyme I put me in your Grace and zit do zo, seying, and hit like to your Hienesse that al gracelesse should I not do ; wherfore I beseeche you that youre high Grace be seen on me at this Tyme ; and of other Things which ye have examined me of I have told you pleyntyly ; and of al I put me holy in youre Grace.

The King delivered this Petition to the Judges, to be by them considered ; but the Lords made Protestation against it, and that the ordering thereof belonged to themselves. Accordingly they, as Peers of Parliament, to whom only such Judgment belonged, in considering well the Statute of the 25th of *Edward III.* touching Treasons, and the Statute of Liveries made in this

The Lords protest against referring Cases of Treason to the Judges.

King Henry IV. this King's Time, adjudged the Earl's Crime to be no Treason nor Felony, but only a Trespass fineable to the King. For which Judgment the said Earl gave great Thanks to the King and Lords; and, at his own Request, he was sworn upon the Cross of *Canterbury* to be a true Liegeman to the King, to the Prince, and to the Heirs of his Body begotten, and to every of the King's Sons, and to their Issue succeeding to the Crown of *England*, according to Law. That done, the King pardoned the said Earl his Fine and Ransom^k.

[79] The Archbishop of *Canterbury* prayed the King, that forasmuch as he and the Duke of *York*, with other Bishops and Lords, were suspected by many to be in the Confederacy with *Henry Piercy*, Son to the Earl of *Northumberland*, that the said Earl would speak the Truth; on which the Earl, by the King's Command, on his Oath, purged them all from that Matter. But the same Day, the levying of War by the said Sir *Henry Piercy* was adjudged Treason, by the King and Lords, in full Parliament.

Several of the
King's Officers
removed upon
Address of Par-
liament,

The Commons proceeded in their first Design of regulating the King's Household, with whom the Lords accorded; and they required that four Persons should be removed out of the King's House, viz. the King's Confessor, the Abbot of *Dore*, with *Derham* and *Crosbie*, Gentlemen of his Chamber. On the 9th of *February* the Confessor, *Derham* and *Crosbie*, came into Parliament, before the King and Lords, when his Majesty took Occasion to excuse those Officers himself, saying, 'That he knew no Cause why they should be removed from his Household; but since the Lords and Commons had thought proper to have it so, for the Good of himself and the Realm, he discharged them; as he would have done the Abbot, had he been present, or any other of his House that should incur the Hatred and Displeasure of his People.' The Commons prayed, also, 'That such might be appointed Officers of the King's Household, as were known to be of virtuous Life, and that the Lords and themselves might be privy to the taking of them.'

A

^k The Articles on which the Earl of *Northumberland* surrendered himself to Henry, and which were to be confirmed by Parliament, are in the *Public Acts* under this Title, *Cedula Conventionum cum Comite Northumbriæ*. Ford, Ang. Tom. VIII. p. 364. Gallice.

A War with *France* being suddenly expected, the King *Henry IV.* Commons desired, ' That the Commission for arraying ' and mustering of Men, and watching of Beacons, ' might be amended ; and that from thenceforth there ' should be no other Alteration in the Form of it.' To which the King, with the Assent of the Lords, after Consultation had with the Judges, consented. The Form and Precedent of the said Commission stands next on the Roll ^k. This Commission the Reader will find much canvassed, both by King and Parliament, in our later Civil Dissentions.

At the Request of the Commons, on *February 21*, a Committee of Lords were particularly appointed to make some farther Regulations, who agreed on these Articles :

' *First*, That all Foreigners, in the Interest of the [80]
' Anti-Pope^l, be not suffered to be about the King's
' Person, but be banished the Realm. And that other And other Regu-
' Strangers, who were Catholics, and particularly lations in his
' those of *Dutchland*, be appointed to remain upon such Household,
' of the Frontiers of the Kingdom where Garrisons are.
' *Next*, That all *French* Persons, *Bretons*, *Lombards*,
' *Italians*, and *Navarians* whatsoever, be removed out
' of the House from the King and Queen ; except the
' Queen's two Daughters, ^m *Maria*, *St. Parenfy*, *Ni-*
' *cholas*, *Alderwyche*, and *John Purian*, and their Wives.
' And that no *Welshman* be about the King's Person.'

These Articles were read in full Parliament, *Feb. 21*, and confirmed by the King, with the Lords' Assent ; and full Charge was given to the chief Officers of the Household, there named, to put them in Execution ; who, that Evening, performed the same.

But, for more Satisfaction to the Queen and her Daughters, the King, with the Consent of the Lords, ordained and assigned to the Queen, instead of the Foreigners, two Knights, a Damsel, two Chambermaids, one Mistress, two Esquires, one Nurse, and one Chambermaid for the Queen's Daughters, and a Messenger to wait on them at certain Times.

The

^k Rot. 5 *Henry IV.* N^o. 25.

^l *Benedict. XIII.* The *English* adhered to *Boniface IX.*

^m This Queen was *Joan of Navarre*, Widow of the Duke of *Bretagne* : But *Henry* had no issue by her.

King Henry IV.

The King's Letters Patent were confirmed by Act of Parliament, by which a Commission was granted, that certain Revenues and Customs, there expressed, and amounting to the Sum of 10,100 *l.* should be yearly paid to the Treasurer of his House, for the Expences of the Family. In which Grant it appears, that the Profits of the Hanaper, in Chancery, was then worth only 2000 *l. per Annum.*

[81]

After settling the King's Household, in the Manner above, the Commons went upon restoring Peace and Unanimity amongst the Peers and Great Men of the Land. They returned his Majesty hearty Thanks for extending his Favour to the Earl of *Northumberland*; and, at their Request, the King commanded the said Earl and the Earl of *Westmoreland*, in Token of perfect Amity, to kiss each other, in open Parliament, thrice, and to shake Hands as often; also, to promise that their Friends and Tenants should do the like. The Earls of *Northumberland* and *Dunbar* were likewise commanded to perform the same Ceremony ^a.

The same Time, at the Request of the Commons, the King, in open Parliament, affirmed, that the Archbishop of *Canterbury*, the Duke of *York*, the Earl of *Northumberland*, and the other Lords, who were suspected to be in the Confederacy with Sir *Henry Percy*, were all his true Liegemen; and that neither they, nor any of them, should ever be impeached thereof by the King, or his Heirs, at any Time hereafter.

Duchy of Cornwall
re-annexed
to the Crown.

Some Matters of a less public Concern came also before this Parliament. The Commons reported that King *Edward III.* in a Parliament held in the 11th of his Reign, created his eldest Son Duke of *Cornwall*, and annexed the said Duchy to the Crown, with divers Hereditaments, by Letters Patent; and by Authority of the same never to be dismembered or sold away ^b. They therefore pray the King to resume, seize, and unite again to the said Duchy such Lands as were sold away by Prince *Edward*, King *Richard*, or by himself. Which Petition was answered in Effect following: ' It ' is agreed by the King and Lords, that the Prince, by ' the

^a These northern Lords were Neighbours in the Country, and might have disturbed it much by a Disagreement amongst them.

^b See Vol. I, p. 224, 242.

the Advice of his Counsel, shall have his *Scire facias*, King Henry IV,
 or other his best Means of Recovery; wherein shall be
 allowed no Protection, or praying in Aid of the King,
 unless it be for Sir *John Cornwall*, and *Elizabeth* his
 Wife, late Wife to *John Holland*, late Earl of *Hun-*
tingdon; and for such Persons to whom the King is
 bound by Warranty; and in order to render the Va-
 lue, in such Cases, the Prince shall sue to the King.
 There are several other Articles relating to the Resti-
 tution of this Duchy, which we shall omit.

At the Petition of *Joan*, Queen of *England*, the
 King granted that the said Queen should enjoy, during
 her Life, in Lands and Tenements, to the full Sum of
 10,000 Marks by the Year, for and in Consideration
 of her Dower, according as other Queens of *England*
 had done. Several Annui-
ties granted.

[82]

Upon the Petition of *Edward* Duke of *York*ⁿ, touch-
 ing 1000 *l.* a Year, granted by *Richard* II. to him
 and his Heirs Male, the King granted to *Edward*, the
 said Duke, 400 *l.* out of the Customs of *Kingston* upon
Hull, and 289 *l.* 6 *s.* 8 *d.* out of the Customs of *London*,
 as Parcel of the said 1000 *l.* to him and his Heirs law-
 fully begotten.

John Earl of *Somerset*, Captain of *Calais*, and of the
 Marshes thereof, declared, That whereas, by Indenture
 between the King and him, he stood bound to keep
 the Town and Castle aforesaid, taking therefore, for
 himself and his Soldiers, in Time of Peace or Truce,
 6301 *l.* 11 *s.* 8 *d.* and in Time of War, 10,509 *l.* 6 *s.* 8 *d.*
 whereof he was unpaid 12,423 *l.* 12 *s.* 4 *d.* he therefore,
 for Want of this, is much straiten'd, and prayeth due
 Payment for the future. By this the Reader may see
 how much Money it cost the Government, in those
 Days, to keep that important Fortress in Possession.

On the Petition of *Joan*, late Wife to *Thomas* Earl
 of *Kent*, to have 1000 *l.* a Year during her Life, out of
 the Hereditaments of the said *Thomas*, the King, by the
 Consent of *Edmund* Earl of *Kent*, Brother to the said
Thomas, granted to the said *Joan*, during Life, certain
 Manors and Hereditaments, there named, to the Va-
 lue of 300 Marks, over and above her Jointure, for the

VOL. II.

F

which

ⁿ This Duke was Son to the old Duke *Edmund*, who died a Year or two
 before.

King Henry IV. which the said *Joan* released to the said *Edmund* all her Dower.

The Sheriff of *Rutland* having returned one *William Ondeby* for Knight of the same Shire, and not *Thomas de Thorpe*, who was chosen, he was commanded to amend the same Return, by returning *Thomas Thorpe*; and, farther, was committed to the *Fleet*, and to Fine and Ransom at the King's Pleasure.

Sheriff fined for
a false Return.

The last two Things we shall abstract from the Records of the Proceedings in this Parliament, which seems to have ended on the first Day of *March*, are, first, The Commons' Petition to the King, that all Lords, Knights, Citizens, and Burgeesses, coming to Parliament at his Command, and there residing till their Return to their own Homes, together with their Servants and Followers, be under his especial Protection and Defence: And that they shall not be arrested for any Debt, Trespas, Account, or Contract whatsoever, or any ways imprisoned during that Time: Under the Penalty of making Fine and Ransom to the King, and paying treble Damages to the Party aggrieved. The King's Answer was, That there should be sufficient Remedy provided in that Case.—And this is the first Statute of Protections we have yet met with ^a.

The other is, That as it was usual at the End of every Session for the King to grant an Act of Grace, or a general Pardon to all his Subjects, so now an Act of that Sort was passed with only the usual Exceptions; and except *William Serle*, with one *Thomas Warde* of *Trompington*, who, as the Record expresses it, feigned himself to be King *Richard* ^b.—A Piece of History we have not met with in any other Authority. The Print of this Statute, also in those at large, differs from the Record, both in Form, and wanting the significant Word, *Treason*, which is plainly expressed in the latter ^c.

[83]

It is observable that not one Tax or Subsidy appears, on the Record, to have been either asked or granted by the King or Parliament, at this Session. But a Contemporary Historian has assigned a Reason for this Omision, by telling us, that the Record of the Subsidy, which, he says, was new and very pernicious to the Country,

^a Rot. Parl. 5. Henry IV. No. 71. See also Statutes at large, cap. VI.

^b Ibid. Rot. No. 84.

^c Toutes Maneres de Tresons, Insurrections, Rebellions, &c. Ibid.

Country, was ordered to be burnt by those that granted it °. This Tax is said, by some, to be twenty Shillings of every Knight's Fee, and twenty Pence of every one that had twenty Pounds Lands a Year, and one Shilling in the Pound for Money or Goods, and so upwards according to that Rate ^p. If this be true, it was a heavy Tax indeed, and it is more than probable that it was somewhat extraordinary, since the Parliament took such Care that it should not be drawn into Consequence, by destroying the Evidences of it. But in vain are Precautions taken, says a late Historian, to bury in Oblivion such Sorts of Precedents, which Princes, upon Occasion, too frequently call to Remembrance ^q.

King Henry IV.
The Record of a Subsidy burnt by Order of the Parliament that granted it.

In the same Year of this King new Writs were issued out, directed as usual, for a Parliament to meet at *Coventry*, on the 3d of *December*; though there is no Account of any Proceedings at it on Record. But, in the next Year, other Writs came out for summoning another Parliament to meet at the same Place, dated at *Litchfield*, *August* 25, and returnable the 6th of *October* following. Before the Meeting of this Parliament another Insurrection was raised against *Henry*, of which the Archbishop of *York*, *Richard Scrope*, the Earl of *Northumberland*, and *Thomas Mowbray*, Earl Marshal, were the Principals. The Articles mentioned before, [See p. 73.] were again renewed against *Henry*, and publickly fixed on the Church Doors in the City of *York* and many other Places. But, by a Stratagem used by the Earl of *Westmoreland*, the King's General, the Archbishop and Earl Marshal were taken and beheaded, whilst the Earl of *Northumberland* found Means to fly into *Scotland*.

[84]

At the Time appointed, the Parliament being all met in the Great Chamber within the Priory of *Coventry*, which was appointed and ornamented for that Purpose, *Henry Beaufort*, then Bishop of *Lincoln*, and Lord-
F 2 Chan-
Anno Regni 6.
1405.
At Coventry.

° *Tbo. Walsingham*. His Words are these; *Concessores ipsi et Authores dicti Tallagii, in perpetuum Latere Posteros voluerunt; nempe sub ea tantum Conditione concedebatur, ne traberetur posterius in Exemplum, nec servarentur ejus Evidentie in Thesaurario Regio nec in Scaccario, sed Scripture vel Recordationes ejusdem, protinus post datum Computum cremarentur.*
Hist. Ang. p. 369, 370. *Stowe's Chron.* p. 330.

^p *Hollingshead's Chron.* 524. *Daniel in Kennet*, 289.

^q *Rapin*, Fol. Edit. 495,

King Henry IV. Chancellor, the King's Brother, in the Presence of the Three Estates of the Realm, declared the Cause of the Summons, in the usual Preamble; For Holy Church, Corporations, and Persons enjoying their Liberties; and then gave out this Text, *Rex vocavit Seniores Terræ*; on which he learnedly argued,

‘ That, for the Safety of the Realm, both within and without, and particularly for repressing the *Welsh* Rebels; for resisting their Enemies in *France* and *Brittany*, who were daily getting Reinforcements, in order to invade the Nation, and to subvert the State; for the due Observation of the Peace and Administration of Justice, the King had called the Wise Men of the Realm to be by them advised for the best. That the last Parliament had not provided a sufficient Force for subduing the *Welsh*, neither was there a Competency granted for the Performance of such great Exploits; and because the *French* had determined to make War upon *England*, and had then actually invaded *Guienne*, they could not wonder at the sudden Calling of this Parliament, since they ought speedily to determine, for the avoiding of these so great Mischiefs and imminent Dangers.’ He then urged the Commons to chuse a Speaker, and present him the next Day to the King.

Sir WILLIAM
STURMEY chosen
Speaker.

This urgent Demand was as speedily complied with by the Commons; for the next Day, having presented Sir William SturmeY for their Speaker, the very Day after, October 8, they, with the Assent of the Lords, granted the King two entire Tenths and two Fifteenths upon the Laity, to be levied in Manner accustomed. Also the Subsidy on Woolls, Wooll-fells, and Skins; that is, of every Denizen, for each Sack of Wooll, 43 s. 4 d. for every 240 Wooll-fells, the like Sum; and for every Last of Skins, Five Pounds: Of Aliens, 10 s. more in each Article, to subsist for two Years; Three Shillings on every Ton of Wine, imported or exported, and Twelvepence in the Pound on Merchandize. To these Taxations a new Grant was added this Time, which was of every twenty Pound Land, belonging to either Peer or Peerefs, where the whole of the annual Rents, in their Hands, amounted to five hundred Marks and twenty Shillings; on Condition, that all should be employed only towards the Maintenance of the

[85]

A Subsidy.

the Wars, and Defence of the Realm; and the Lord *King Henry IV.*
Furnival and Sir *John Pelham*, Knights, were appointed
 Treasurers of War, who were then sworn to execute
 their Offices according to the Intention of the
 Grant. *A Subsidy granted.*

Several Bishops and Lords offered to lend certain
 Sums of Money, in order to raise Forces for rescuing the
 Lord of *Coytiff*, who was then besieged in his Castle by
 the *Welsh* Rebels; and the King appointed, by Consent
 of Parliament, that such Loans should be repaid out
 of the first Payments of the Subsidy then granted.

On the 26th of *October* the Commons came before
 the King and Lords, in full Parliament, and begged
 Leave to recommend the young Lords *John* and *Hum-*
phry, two of the King's Sons, for his Advancement of
 them to honourable Estates and Livings. They also
 prayed the King to remember the Duke of *York's* late
 Service in *Guienne*, and elsewhere, so as he might be
 paid the Arrears due to him. The like Request they
 made for the Earl of *Somerset*, and Sir *Thomas Beaufort*
 his Brother. Lastly, They beseeched the King to re-
 store to *Richard*, Brother to the Duke of *York*, certain
 Jewels, to the Value of 4000*l.* which were in the
 Hands of King *Richard II.* They likewise concurred in
 the Request above, for the Rescue of the Lord of *Coytiff*. *Several Grants.*

As, in some of the last Parliaments, the Lords and
 Commons took Care to regulate the King's Household,
 so in this the Commons applied to the King for a Re-
 sumption of all Grants made from the Crown since the
 40th Year of *Edward III.* under the following Parti-
 culars:

First, That all such Hereditaments, Liberties, and
 Customs as were in the Crown, at the Time above-
 mentioned, and since, by any Means, granted from it,
 should be resumed into the King's Hands for ever: Pro-
 vided that all Cities and Towns Corporate shall keep
 their Liberties; and except also the Lands of such as
 were forfeited the 11th of *Richard II.* and were sold away.

That all Wines taken for the King's Eighth, or Pri-
 sage, and granted to any Person by the King or his
 Predecessors, may be resumed: And that the present
 Queen may be endowed with all the Lands, Heredita-

King Henry IV. ments, &c. as the late Queen was, in whose Hands soever they be and by what Grant soever alienated.—That all Grants of King Edward III. or any of his Progenitors, made before his said 40th Year, be confirmed by Parliament.—That all Farmers to the King by the like Grants, may enjoy their Farms, giving as much for them as others would do. *Lastly*, That no Man, hereby, be restrained of using any Licence or Warrant, granted for building any Castle, or Castelet, or for inclosing any Park.—To all which Petitions the King returned the following Answer; which, since it is entered on the Rolls, we shall give, at Length, in its own Diction and Orthography.

AND forasmuche that the Comunes desiren that the Kyng shulde leve upon his owne, as gode Reson asketh, and all Estates thinken the same, the Kyng thanketh hem of her gode Desire, willing to putt it in Execution alsfone as he wele may. And bycause the Comunes desiren that al that longed unto the Corone the forty Yere of Kyng Edward, and sith hath be departed, shuld be resumed, to that Entent that the Kyng myght better leve of his owne: And for alsmuch that it may noght be knowne unto the Kyng which is of the Corone and which is not, without more Examination; ne what hath be granted syth the forty Yere of Kyng Edward unto this Tyme, the Kyng's Entent is to assygne certein Lordes Spiritual and certein Lordes Temporal, and al his Justices and al his Sergeants, and other suche as him lust Name, for to putte in Execution alsferre as he may, by the Lawe of his Land, or by his Prerogatiffe or Libertee, alle the Articles contened in the Petition of the Comunes, in alle Haste that he may, in Discharge of his People.

There are some other Ways prescribed in this Parliament for the King to live of his own and be less burdensome to his Subjects, which are too long to insert. The Representatives of the People, in those Days, shewed themselves to be really so, by making the Interest of their Constituents the same as their own; they freely gave to relieve the Necessities of the State, in Time of War, or the like; but at the same Time took Care that no useles Grants or Pensions should be made from

from the Crown, to impoverish the Revenue of it, which King Henry IV. was then thought sufficiently ample to maintain itself in Splendour: When an *English* Monarch had no foreign Appendages to draw from him the very Blood and Vitals of this Commonwealth.

If what an Antient and a Contemporary Historian writes be true, there is a great Defect in the Records, relating to some considerable Transactions which were carried on against the Clergy in this Parliament; for there is not one Word said in them about it. It is probable that, since the Design miscarried, the Clergy had Interest enough to keep it out of the Rolls. But, be that as it will, it is agreed that the Court had been tampering in the Elections this Parliament, to get such Members returned, as were not over favourable to the Interest of the Church. An Error in Government, though made a principal Article against King *Richard*, was yet overlooked in King *Henry* ^u. The aforesaid Author relates, That the King directed the Sheriffs, in his Writs for electing Knights of the Shire, to chuse none that were any way learned in the Laws of the Land; but that they should send such to this Parliament as were wholly ignorant in the Course of either Canon or Civil Law; which was done ^x. From whence this Parliament got the Name of *Parliamentum Indoctorum*, The Laymen's the Illiterate or Lack-Learning Parliament. But it is Parliament. more probable it was nicknamed so, some Time after, by the Clergy, on Account of the Designs there carried on against that learned Body; for we find that other Authors call it the *Laymen's Parliament* ^y.

However, our former Authority goes on and writes, That when the King first represented to this Parliament, so composed, his great Want of an extraordinary Aid, the Commons went in a Body, and, by their Speaker, addressed him, remonstrating, ' That, without burdening his People, he might supply his Occasions by seizing on the Revenues of the Clergy.' They set forth, ' That

^t Thomas Walsingham sub hoc Anno.

^u Daniel in Kernet, p. 290. Rapin, Fol. Edit. p. 495, 496.

^x Direxit ergo Brevia Vicecomitibus, ne quosquam e Comitibus eligerent quovismodo Milites, qui, in Jure Regni, vel Docti fuissent vel Apprenticii; sed tales omnino mitterentur ad hoc Negotium, quos constaret ignorare cujusque Juris Methodum; factumque ita est. Walsingham, p. 374.

^y Stowe's Chron. p. 330. Speed, p. 619.

King Henry IV. ‘ That the Clergy possessed a third Part of the Riches
 ‘ of the Realm, and not doing the King any Personal
 ‘ Service, it was but just they should contribute out of
 ‘ their Revenues, towards the pressing Necessities of the
 ‘ State; That it was evident, the Riches of the Eccle-
 ‘ siastics made them negligent in their Duty, and the
 ‘ lessening of their excessive Incomes would be a double
 ‘ Advantage both to the Church and State.’

[87]

Which is opposed
 by the Archbi-
 shop of Canter-
 bury.

The King received this Address in a Manner as shew-
 ed that it was not disagreeable to him; and it is not
 unlikely that it was he who, covertly, was the first
 Mover of it. The Archbishop of *Canterbury* being pre-
 sent, thought it his Duty to speak on an Occasion where
 his own and the Interest of the whole Clergy was con-
 cerned. He represented to the King, ‘ That though
 ‘ the Ecclesiastics served him not in Person, it could
 ‘ not be inferred that they were unserviceable, since
 ‘ they sent into the Field their Vassals and Tenants
 ‘ whenever there was Occasion. That the strip-
 ‘ ping the Clergy of their Estates, would put a Stop to
 ‘ their Prayers, Night and Day, for the Welfare of the
 ‘ State; and there was no expecting God’s Protection
 ‘ of the Kingdom, if the Prayers of the Church were so
 ‘ little valued.’ Upon this the Speaker of the Com-
 mons seemed to smile, and said openly, ‘ That he
 ‘ thought the Prayers of the Church a very slender Sup-
 ‘ ply ^z.’ To which the Archbishop answered, with
 some Emotion, ‘ That if the Prayers of the Church
 ‘ were so slighted, and that other Considerations were
 ‘ not capable of suppressing the Plots against the Clergy,
 ‘ it would be found difficult to deprive them of their
 ‘ Estates without exposing the Kingdom to great Dan-
 ‘ ger; and, so long as he was Archbishop of *Canterbury*,
 ‘ he would oppose this Injustice to the utmost of his
 ‘ Power.’ Then, suddenly, falling on his Knees be-
 fore the King, ‘ he strongly pressed him in Point of
 ‘ Conscience, and endeavoured to make him sensible
 ‘ that, of all the Crimes a Prince could commit, none
 ‘ was

^z *Walsingham* says, That this Speaker was called Sir *John Cheney*, who
 having, as it was said, taken Deacon’s Orders, had deserted his Character,
 and turned Soldier, p. 371, 372. But by the Record he is called Sir
William Sturmy.

‘ was so heinous as an Invasion of the Church’s Patri- King Henry IV.
‘ mony.’

Whether *Henry* was moved with the Archbishop’s Speech, or that he foresaw the strong Opposition the Clergy would make, and that he could not, without great Difficulty, accomplish his Design, he suddenly changed his Purpose, and resolved to desist from it. He answered the Archbishop, ‘ That, though he blamed
‘ not his Zeal, he could not help saying, that his Fears
‘ were groundless ; for, when he mounted the Throne,
‘ he made a firm Resolution to support the Church with
‘ all his Power, and hoped by God’s Assistance to leave
‘ her in a better State than he found her.’ The Archbishop, encouraged by this Answer, turned to the Commons, and spoke to them in a Manner not very proper to gain their Good-will, telling them their Demand was built wholly on Irreligion and Avarice. ‘ You, says he,
‘ and such like as you, have advised both our Lord the
‘ King and his Predecessors to confiscate the Goods
‘ and Lands of the Alien Priories and Religious Houses,
‘ on Pretence he should gain great Riches by it, as, indeed, they were worth many Thousands ; notwithstanding, it is most true, that the King is not Half a
‘ Mark the richer for them all, for you have extorted,
‘ or, at least, begged them out of his Hands, and have
‘ appropriated the said Goods to your own Uses ; so
‘ it may well be conjectured that your Request to have
‘ our Temporalities, proceeds not so much for the King’s
‘ Profit, as for your own Covetousness : For, without
‘ Doubt, if the King, as God forbid, should fulfil your
‘ wicked Purpose, he would not be one Farthing the
‘ richer for it at the Year’s End. And, verily, adds
‘ he, I will sooner have my Head cut off, than that the
‘ Church should be deprived of the least Right pertaining to it.’

[88]

The Commons made no Reply to this severe Repri-
mand ; but when they came back to their House, they resolved to persist in their Petition, and brought in a Bill to seize the Clergy’s Revenues. But there was no
Probability of succeeding in their Project ; the Solicitations of the Archbishop, and the rest of the Prelates,
were so prevalent with the Lords, that they threw out
the

This Project given up, and a Supply voted.

King Henry IV. the Bill ; and so the Commons were forced to find other Means to supply the King's Occasions ^a.

But to return to the Records.—

[89]

On the last Day of this Parliament ^b, the Commons prayed, That the Money borrowed for saving of the Honour of the Lord *John*, the King's Son, and the Estate of the Realm may be answered : That the King would consider the painful Service of the Duke of *York*, whilst he was the King's Lieutenant of *Guienne*, and that he may be paid what to him is due ; and also to re-

[90]

member Sir *Thomas Erpingham* ^c, Sir *Thomas Rempson*, *John Norbury*, and other valiant Knights and Esquires, who adventured themselves with the King at his coming into the Kingdom. Likewise, That no Stranger born be a Collector of the Customs, or the like Officer, neither enjoy any Benefice within the Realm. And, that no Members of the Commons' House be Collectors of Subsidies. The King's Answer to the four first, was, *The King will be advised* : And to the last, *It shall be as in the Reign of Edward III.* Lastly, At the Request of the Commons, the King remitted Six Shillings and Eightpence of every Sack of Wooll, and the like of other Staple Commodities of the Grant made in the 4th Year of his Reign, by reason that so much was mis-entered in the Roll.

There were several other Petitions and Answers upon less Affairs, which, being read, the Chancellor, by the King's Command, returned his Majesty's Thanks to them all, and dissolved this Parliament.

Anno Regni 7. In the seventh Year of this King's Reign ^d, Writs
1406. were issued, dated *December 21*, for a Parliament to

At Westminster.

meet

^a *Walsingham* adds, That the Knights and Burgeßes were so ashamed of themselves, that they confessed their Fault to the Archbishop, and asked his Pardon. And that the Clergy granted the King, at this Time, a Tenth and an Half, notwithstanding that the Half of the last granted Tenth was yet unpaid, p. 372.

^b The Day of the Month not mentioned.

^c He was Warden of the Cinque Ports, Anno 23 Richard II. and was summoned to Parliament as such, in the first nine Years of Henry IV. Nor was there any other Person summoned as Warden in this Reign, but Henry Prince of Wales, in the eleventh Year.

^d *Dugdale's Summons to Parliament*, p. 372.

This Author and Sir Robert Cotton's *Abridgement* differ oftentimes so much in their Dates of Summons, that it is hardly possible to reconcile them. *Dugdale* says, there were no Summons in the sixth of this Reign ; contrary to *Walsingham*, and the *Statutes at large*, which mention several Acts passed in that very Year.

meet at *Coventry* on the 15th of *February*; but, on the 1st of *January*, other Writs were issued for their Meeting at *Gloucester* on the Day first appointed: From whence they were prorogued to assemble at *Westminster* on *Monday* in the first Week of *Lent*, or the 1st of *March* that Year. Being all met, according to the last Prorogation, in the Painted Chamber of the King's Palace there, *Thomas de Langley*, Clerk, then Lord-Chancellor, opened the Cause of the Summons; and, after making the usual Declaration about the Liberties of Holy Church, &c. he took for his Subject these Words, *Multorum Consilii requiruntur in magnis*; and said,

[91]

‘ That in the weighty Affairs relative to the good Government of the Realm, and Safety of the Subjects, which were annoyed by the Rebellion of the *Welsh*, and likely to be invaded by the *French* and *Scots*, who ceased not to infest *Guienne* and the Marshes of *Calais*; besides the Troubles raised by the *Irish*, he had called the same Parliament, as meaning to follow the Counsel of the Wise, saying *Fili nil sine Consilio facias, et tunc post Factum non pœnitebis*; wherein he purposed to begin also with the Example of *Ahasuerus*, *Qui interrogavit Sapientes, et illorum cuncta faciebat Consilio*. In which Consultation, he declared to the King, Lords, and Commons, that if they would observe the Laws of God, they might then assure themselves to find Peace at Home, and Victory Abroad.’

The Receivers of Petitions being appointed, the next Day the Commons came before the King and Lords, and presented Sir *John Tibetot* for their Speaker, who excused himself on account of his Youth, and other Causes; but the King confirmed the Election. We do not find that this new Speaker made any Protestation to the Throne, in Behalf of himself and his Colleagues, as was usual at this. For, after he had excused himself, as above, the Chancellor immediately charged the Commons, for the speedier Dispatch of Business this Parliament, to repair to their accustomed Place in the Abbey of *Westminster*, and to be there every Morning at Eight o’Clock; the Lords were, at the same Time, ordered to meet at Nine.

Sir JOHN TIBETOT chosen Speaker,

Who omits the Protestation.

It must be owned that a great deal of Business may be dispatched in a very little Time, when we tell our Readers,

King Henry IV. Readers, That the Commons had got ready their Bill of Aid, the next Day, *March 2*, and, with the Consent of the Bishops and Lords, presented it to the King; whereby they granted a Subsidy of one Tenth and one Fifteenth, to be levied on the Laity for one Year; and, besides, they gave to the King, in other Matters, as Tonnage and Poundage, &c. the same that was granted in the last Parliament.

A Subsidy.

A late Historian makes a fine Flourish here^d, ' That *Henry* was denied an Aid of Money in this Parliament, and was flatly told there was no visible Occasion for it: That the King was extremely offended at this Denial; but, however, durst not shew his Resentment, for Fear of exasperating them: Mean while, he devised an Expedient, which procured him what he wanted. This was, to keep the Parliament assembled till they should, of their own Accord, be brought to grant his Demand; so, without any fresh Application, he continued the Session till the End of *August*. This, adds he, was very inconvenient to the Members, who had Business at Home, and withall very expensive to the People who were to bear their Charges. At length the Commons, impatient of returning to their Homes, voted him a Subsidy, not without loud Murmurs at the Constraint laid upon them.'

[92]

A Mistake of Mr. Rapin.

Thus do some Historians set off their Labours in glaring Colours and pompous Expressions, in order to take the Eye, and divert the Ears of their Readers! There happens to be little or no Truth in all this Parade of Words, for there was no Demur at all in the Parliament's granting an Aid. On the contrary, it was given much sooner than ordinary, and in a very unusual Way; being granted on the very next Day the Commons presented their Speaker, or the second Day of the Session. It is true, indeed, this Parliament was continued by Prorogation for a much longer Time than *Rapin* speaks of; but it was not for the Reason he mentions, but, as it will appear in the Sequel, on a quite different Occasion.

If *Walsingham* led him into this Mistake, as his Marginal Note seems to infer, *Cotton's Abridgment*, which is also quoted in the same Place, would have set him

^d *Rapin*, Fol. Edit, p. 498.

him right again, if he would have taken the Trouble King Henry IV. to consult it.

It was not till *March 23*, that the Commons came before the King again, when Sir *John Tivetot*, the Speaker, then made the common Protestation, and required a Confirmation of all their Liberties and Privileges, and that they might at any Time send for any of their Bills from the Lords, for Amendment of the same; which was granted. The same Day the said Speaker, before the King, made several Memorandums for good Government, namely, for confirming all their Liberties, for safe keeping of the Sea, and for providing for the Defence of *Guienne*, which was then in great Danger to be lost.

On the 3d of *April* the Speaker required of the King, that his former Protestation and the following Regulations might be entered on Record, viz. The Speaker proposes several Regulations in the Government.

‘ That, for the better resisting of the *Welsh* Rebels, the Prince might reside in *Wales*, and have sufficient Power given him, by Commission, for that Purpose.

‘ That no Heritages, conquered from the *Welsh*, be given away till one Quarter of a Year after.’ The King answered, *That he would not grant any without Advice.*

[93]

‘ That a Time for banishing all Aliens, *Frenchmen* and *Bretons*, out of the Realm be appointed.’ It was answered, *It shall with all convenient Speed.*

‘ That it would please the King to excuse the Commons, in that it had been reported they had talked of the King’s Person otherwise than beseemed them, which was untrue.’ The King answered, *He believed the same.*

Then a Committee of both Houses was appointed to treat about the Safeguard of the Sea, who agreed upon the Articles following :

I. ‘ That the Merchants, Mariners, and Owners of *English* Ships, shall find and provide sufficient and able Ships for 2000 fighting Men, and 1000 Seamen, for a Year and a Half. To answer which Expence they shall have allowed, upon Account, 12 *d.* in the Pound on Merchandize, and 3 *s.* upon every Ton of Wine; with the fourth Part of the Subsidy on Woolls, Wooll-fells, and Skins, granted in the last Parliament

King Henry IV. 'ment held at *Coventry*; and that the Merchants, in
 'levying the said Sums, should have Warrants under
 'the Privy Seal as oft as there was Occasion.

II. 'That the Merchants shall enjoy all such Prizes
 'as they shall take, having due Consideration for the
 'King's Admirals when he shall appoint any.

III. 'That if the Royal Navy of the Enemy shall
 'happen to be at Sea, and the King make out against
 'them, then the Merchants aforesaid shall have one
 'Month's Notice to provide.

IV. 'The Merchants aforesaid shall have reasonable
 'Warning of any Peace or Truce to be made; after
 'which they shall have due Consideration for all their
 'Charges.

V. 'That the Merchants name two Persons, one
 'for the South and the other for the North, who, by
 'Commission, shall have the same Power as other Ad-
 'mirals have had on the like Occasion.

'Lastly, The Merchants demanded 4000 *l.* for
 'the present; but the Answer was, *The King had it*
 'not'.

[94]

The same Day, *April 3*, the King, for certain weighty
 Reasons expressed in the Record, adjourned the said
 Parliament from that Day unto the *Quindene* of
Easter next ensuing, to be holden at the said Place, at
Westminster; and licensed the Lords and Commons to
 depart for that Time.

The Day appointed was the 25th of *April* that
 Year; when, because the Archbishop of *Canterbury*,
 with several other Bishops and Lords, were not yet
 come, the Parliament was again adjourned for four
 Days more. Nor were they well settled to do Business
 till *Sunday* the 8th Day of *May* following; at which
 Time the Speaker of the Commons again prayed the
 King, that, under his Protection, he might be allowed
 as great a Liberty of Speech as any of his Predecessors
 ever had, which was granted. They then requested
 the

'The King's Writ to the Mayor and Sheriffs of *London*, with a full
 Account of this Agreement of the Merchants, is in the *Public Acts*. The
 like Writs are directed to the Chief Officers of all the Cities and great
 Towns in *England*. *Teste Rege apud Westmonasterium sexto Die Aprilis.*
Fœd. Ang. Tom. VIII. p. 437.

There is another Instrument in the said *Public Acts* under this Title;
De Admirallo constituto per Mercatores Regi nominato. Ibid. p. 439.

the King to appoint certain Persons, by Name, to be ^{King Henry IV.} of his Council; and that by Authority of Parliament. They required that Provision should be made for the great Dearth at *Calais*; that all Captains beyond the Seas be commanded to repair speedily to their Forts and Ports, as the Earl of *Somerset* was about to go to *Calais*; and that *Richard Clyderowe*, one of the Admirals for the Sea, might be ordered to go thither; all which the King granted.

Some private Affairs next follow in the Record, which we chuse to omit. This Parliament continued sitting till the 7th of *June*, when the famous Act was passed for entailing the Crown of *England*, with all the Hereditaments and Rights whatsoever, on the present King, and the Heirs Male of his Body, lawfully begotten. ^{The Crown entailed by Act of Parliament.} In like Manner it was entailed on the Prince of *Wales*, and, for Default of his Issue, on the Lords *Thomas*, *John*, and *Humphrey*, successively ^f. But our Abridger remarks, that the Conveyance is crossed on the Record; and on the Margin of it is wrote *Vacat*; yet this Conveyance, he adds, was exemplified under the Great Seal at that Time.

It does not appear by the Copy from the original Rolls of Parliament, at present under our Inspection, that this Act was passed at this Time, no Notice being there taken of it. It may be that the Copyer, seeing the *Vacat* in the Margin, thought it not worth the Trouble of transcribing in that Place; especially as it occurs soon after in this very Parliament, ushered in with all the Formalities so solemn an Act required.

We shall make no Remarks of our own on this extraordinary Act of Parliament, for settling the Succession, and limiting of it to the Heirs Male only; though we have not met, in the Course of these Inquiries, with an Act of this Nature. We shall only say, that the Exclusion of the Females from succeeding, of any Line whatsoever, was a tacit Disinheritance of the House of *York*; who, as the Reader will find in the Sequel, claimed only from that Source.

The Commons required, ' That certain Persons may be appointed Auditors, to take and examine the Accounts of the Lord *Furnival* and Sir *John Pelham*, ' made

^f *John* the third Son is omitted, by Mistake, in *Cotton*.

King Henry IV. 'made Treasurers of War in the last Parliament.' They required also, 'That three Parts of the Subsidy granted to the Merchants for keeping the Sea, be paid to them; and that the fourth shall only be employed for the Defence of the Realm. That all Aliens may avoid the Kingdom, except those that are made Denizens, or Men of the Church, impotent Persons, or Dutchmen. That all Lands and other Profits, let out for Life, or Years, by the King or his Progenitors, may be improved to greater Value. Lastly, That all the Revenues and Profits of the Realm, granted since the Beginning of the Parliament, may be resumed into the King's Hands, and reserved for the Maintenance of his House; and that all the exorbitant Charges of the Household be speedily retrenched.'

On the 19th of June the King, for the same weighty Reasons as before, again adjourned this Parliament from that Day to the Quindene of St. Michael, or the 15th of October following.

On which Day being again assembled, it was farther adjourned for four Days more, to give Time for some Lords and Commons yet to come up. And it was not till the 18th of October that Sir John Tiptot, Speaker of the Commons, came before the King, and required a Confirmation of his first Protest, which was granted. And, upon a Motion of the said Speaker, the King charged both Lords and Commons, on their Allegiance, that they should particularly inquire concerning any evil Government, and prevent it for the future. The same Day the Speaker required that the Castle of Manlion, which was the Key of the Three Kingdoms, and which was kept by Sir Charles de Navarr, a Foreigner, might be kept by Englishmen only: 'That all Fines and Ransoms of the Welshmen may be employed in those Wars: That the Prince may be sent into Wales with all Speed, considering the Rebellion of the Earl of Northumberland and others': That certain Castles might be kept as Hostages for the Earl of Douglas; and that the other Scots Prisoners should not be slightly given up,

[96]

^f The Earl of Northumberland had revolted again, but had been forced to fly, with the Lord Bardolf, into Scotland for Protection. Being betrayed there, they fled into Wales, and, joining with Owen Glendour, were then become formidable.

considering, as they said, that they were the Flower King *Henry IV.*
of all *Scotland*.'

In this Session of the same Parliament, the Conveyance or Act of Settlement, mentioned before, was repealed, and another Act was made upon it, whereby the Crown was entailed upon the King and his Sons, in General Tail, &c.

Mr. *Rapin* has bestowed a great deal of Historical Learning on the passing and repealing of the last, and making this new Act of Settlement; wherein the Arguments, *pro & con.* about the Right of Females succeeding to the Crown of *England*, is learnedly discussed &c. We shall refer our Readers to that Author for the whole of the Arguments on the Question, and content ourselves with making some Observations, from him, on the Statute before us^h. He says, 'That when *Henry IV.*

'mounted the Throne, he pretended to be the next Heir of *Richard II.* by which he seemed to make no Account of the Earl of *March's* Right, descended only from a Daughterⁱ. And, indeed, supposing the Invalidity of the Female Right, it could not be denied but that he was nearer than the Earl of *March*, who was set up against him. But this pretended Invalidity was a Point not decided; for the People were generally of Opinion, that Daughters had a Right to the Succession, since, without its being necessary to alledge Examples or Precedents in their Favour, it was sufficient that there was no Law to exclude them. Upon this Foundation the late Rebellion was raised, as appeared by the Manifesto the Rebels published. It is therefore very likely, that, to remove this Pretence from the Malecontents, *Henry* would have had this Point settled by an Act; which, in excluding the Daughters and their Issue, seemed to insinuate the reigning King ascended the Throne, pursuant to the customary Laws of the Realm. But this Act which, says our Author, was extorted the same Way as the Subsidy, lasted but till the End of the Year. The next Parliament, [*still mistaking, for it was all the same*] made such strong Remonstrances to the King,

Mr. *Rapin's* Remarks on that Settlement.

[97]

VOL. II.

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' that

^g *Rapin*, Fol Ed. p. 498.

^h *Statutes at large*, An. 7. *Henry IV.* cap. ii.

ⁱ See Vol I. p. 387, 414. and in this Volume, p. 2.

King Henry IV. ' that he consented to the Repeal. This Parliament, ' not satisfied with leaving the Right of the Daughters ' in its former doubtful State, passed a new Act, where- ' by the Females and their Posterity were established in ' their natural Rights.' Our Author concludes with observing, ' That the Precaution taken by the King to ' secure his Right in the first Act, was extremely pre- ' judicial to his Posterity. He thereby gave Occasion ' for the second, which strengthened the Title of the ' Earl of *March*; and consequently of the House of ' *York*, who became Heirs to that Prince.'

The foregoing Settlement re-pealed, and an Act for fixing the Crown in General Tail;

We shall make no Apology for inserting this long Quotation from an Author of such Eminence in History; and, where he is right in his Points, shall always give him his due Praise. A Matter of that great Moment, as the Succession to the Crown of *England*, settled by Act of Parliament, must not be slightly pass'd over in these Inquiries; we shall therefore give our Readers an Abstract of the Statute itself, as it is published in the Collection of *Public Acts*, translated from the *Latin*; which, with the Names of the Bishops, Abbots, Lords, &c. who signed the said Act, may serve to conclude our Account of this extraordinary Proceeding¹.

HENRY, *by the Grace of God, &c.*

[98]

It begins with a Recital of the Act made last Session of Parliament, for settling the Succession on the Male Line only, as aforesaid: Then adds, *Nevertheless, because the Prelates, Lords, Clergy, and the whole Community of England, considering that the said Statute, by excluding the Female Line, too much contracted the Right of Succession, which they rather sought to enlarge, they unanimously petitioned us, with more than ordinary Zeal, to annul and make void the said Statute, and to pass an Act for settling the Right of Succession in Henry, my Son and Heir, and the rest of my Sons, and their Children, lawfully begotten, successively.*

We, therefore, judging the said Request to be consonant to Right, do annul and make void the said former Statute; and, with the Consent, and by the Authority, of the said Prelates,

¹ *Fæd. Ang.* Tom. VIII. p. 462, 3, 4. It is also entered on the Rolls of Parliament.

Prelates, Lords, &c. in Parliament assembled, do ordain, King Henry. IV. establish, &c. the said Henry our First-born Son, our true, lawful, and undoubted Heir, and universal Successor, to our Crowns and Kingdoms of England and France, and to all our Dominions beyond the Sea whatsoever; with all their Rights, Appurtenances, Privileges, &c. belonging thereto; and after him, successively, to the Heirs of his Body, lawfully begotten, for ever.

For Failure of this, in like Manner, the Settlement establishes it on Thomas the King's second Son, and his Heirs, &c. then to John and Humphrey, his third and fourth, succeeding.

Provided, that, by this Statute or Ordinance, we intend not to change or alter the Succession to the Rights, Possessions, Honours, and Customs, with all other Appurtenances belonging to the Duchy of Lancaster; but that the said Rights, &c. may remain as they have been accustomed; this, or any other Statute made in this Parliament, notwithstanding.

In Testimony of which not only our Seal, but the Seals of all the Lords Spiritual and Temporal aforesaid, for themselves, the Clergy and Community aforesaid, are put to these Presents.

Which is subscribed by the Lords,

BISHOPS.

Thomas, Archbishop of Canterbury, Primate of England.

Nicholas, Bishop of London. Henry, of Winchester.

John, of Ely.

Thomas, of Durham.

Robert, Bishop of Chichester

Richard, of Salisbury.

Guy, of St. David's.

John, of Coventry and Litchfield.

Richard, of Worcester.

Richard, of Bath and Wells.

Robert, of Hereford.

Philip, of Lincoln.

Thomas, of Landaff. And

William, of Carlisle.

The Guardians of the Spiritualities belonging to the Archbishopric of York, and to the Bishoprics of Norwich and Rochester.

THE ABBOTS OF

Westminster.

St. Alban's.

Waltham.

Peterborough.

St. John in Colchester.

St. Edmund's Bury.

Abyndon.

St. Mary's, York.

Croyland.

Bardney.

St. Bennet, of Hulm.

[99]

King Henry IV. *Glastenbury.**Malmsbury.**Redyng.**Thorney.**Selby.**Battel.**Cirencester.**St. Peter's, Gloucester.**Evesham.**Ramesey.**Hyde, near Winchester.**Winchecumbe.**The Prior of Coventry.**Walter, Prior of the Hospi-
tal of St. John of Jeru-
salem, in England.*

D U K E S.

*Edward, Duke of York.**John, of Somerset.**Edmund, of Kent.*

E A R L S.

*Thomas, Earl of Arundele.**Richard, of Warwick.**Edward, of Devonshire.**Michael, of Suffolk.**Richard, of Oxford. And**Ralph, of Westmoreland.*

B A R O N S.

*William Lord Roos.**Richard Lord Grey, of Co-
denore.**Henry Lord Beaumont.**Reginald Lord Grey, of
Ruthyn.**William Lord Ferrers.**Thomas Lord Furnival.**William Lord Willoughby.**Hugh Lord Burnel.**William Lord Clynton.**Thomas Lord Morley.**John Lord Darcey.**John Lord Lovel.**Barth. Lord Bourghchier.**Gilbert Lord Talbot.**William Lord Zouch.**Thomas Lord Camois.**Richard Lord Seymour.**Henry Lord Fitz-Hugh.**Hen. Ld. Scrope, of Masham:**John Lord Welles.**John Lord Cobham.**Peter Lord Mauley.**John Lord Latymere.**Edward Lord Charlton, of
Potwys.**Thomas Lord De la War.**Thomas Lord Berkeley, de
Berkeley.**Ralph Lord Cromwell.**Ralph Lord Greystock.**William Beauchamp, Lord
Bergavenny.**John Lord Tuchet.**Robert Lord Ponynge.**John Ld. Harrington. And**Richard Lord Strange.*And by the
Speaker, on Be-
half of the Com-
mons.Also Sir *John Tibetot*, Knight, Speaker of the House of Commons, in this Parliament, in his own and in the Name of the whole Body, gave his Assent to all the aforefaid Articles. *Lastly*, The King, with all the rest, swore to keep all the said Premises inviolably.Dated, in this present Parliament, within our Palace at *Westminster*, December 2, Anno Dom. 1406, in the Eighth Year of our Reign.

Sir

Sir Robert Cotton, or rather his Publisher, Mr. Prynne, King Henry IV. in the *Abridgement*, makes the following Remark on the Proceedings of the Clergy in this Parliament, which we shall give *verbatim*.

‘ At this Time the Clergy suborned *Henry Prince of Wales*, for and in the Name of the Bishops and Lords; and Sir *John Tiptot*, the Speaker, for and in the Name of the Commons, to exhibit a long and bloody Bill against certain Men called *Lollards*, namely against those that preached or taught any Thing against the Temporal Livings of the Clergy. Other Points touching *Lollardy*, I read none; only this is to be marked, for their better Expedition in this Exploit, they joined Prophecies touching the King’s Estate, and such as whispered and bruited that King *Richard* was still living; all which they inserted, to the End that, by such Subtilty, they might better gain their Ends against the poor *Lollards* aforesaid. Wherein note a most unlawful and monstrous Tyranny; for the Request of the said Bill was, That every Officer, or other Minister whatsoever, might inquire after, or apprehend, such *Lollards*, without any other Commission, and that no Sanctuary should protect them.’

But, notwithstanding these sarcastical Expressions in our true-blue Protestant, the Bill against these Broachers of new Controversies and Lyes, as they are there stiled^a, must have been thought very reasonable at that Time, especially in a Government founded so weakly as this was, and which must fear every Blast of Sedition that could blow against it. Mr. Fuller, in his Church-History, has given us an Abstract of this Act against the *Lollards*, which we shall insert, as we have compared it with the Original, and find it just.

To our most redoubted and gracious Sovereign, the KING.

‘ YOUR humble Son, *Henry Prince of Wales*, and the Lords Spiritual and Temporal in this present Parliament humbly shew, That the Church of *England* hath been, and now is, endow’d with Temporal Possessions, by the Gifts and Grants, as well of your Royal Progenitors, as by the Ancestors of the said Lords

[101]

The Lords’ Address against the *Lollards*.

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Temp-

^a Touchant les Lollaides, et les autres Parleurs et Contrevours des Nouvelles, et des Mensonges, &c. Rot. Parl. 7 et 8 Henry IV. N^o. 62.

King Henry IV. ' Temporal, to maintain Divine Service, keep Hospita-
' lity, &c. to the Honour of God, and the Soul's Health
' of your Progenitors, and the said Lords Temporal.

' Yet, now of late, some, at the Instigation of the Ene-
' my, against the aforesaid Church and Prelates, have,
' as well in public Sermons, as in Conventicles and secret
' Places called Schools, stirr'd and moved the People of
' your Kingdom to take away the said Temporal Pos-
' sessions from the said Prelates, with which they are as
' rightly endow'd, as it hath been, or might be, best
' advised or imagined by the Laws and Customs of your
' Kingdom; and of which they are as surely possessed
' as the Lords Temporal are of their Inheritances.

' Wherefore, in case that this evil Purpose be not re-
' sisted by your Royal Majesty, it is very likely that,
' in Process of Time, they will also excite the People
' of your Kingdom for to take away from the said Lords
' Temporal their Possessions and Heritages, so to make
' them common to the open Commotion of your People.

[102] ' There be also others who publish, and cause to be
' published, evilly and falsely, among the People of your
' Kingdom, That *Richard*, late King of *England*, (who
' is gone to God, and on whose Soul God, thro' his
' Grace, have Mercy) is still alive. And some have writ
' and published divers false pretended Prophecies to the
' People, disturbing them who would, to their Power,
' live peaceably, serve God, and faithfully submit and
' obey you their Liege Lord.

' Wherefore, may it please your Royal Majesty, in
' Maintenance of the Honour of God, Conservation of
' the Laws of Holy Church, as also in Preservation of
' you, your Children, and the Lords aforesaid, and for
' the Quiet of all your Kingdom, to ordain by Statute
' in the present Parliament, by the Assent of the Lords
' aforesaid, and the Commons of your Kingdom, That
' in case any Man or Woman, of what Estate or Condi-
' tion they be, preach, publish, or maintain, hold, use,
' or exercise any Schools; if any Sect or Doctrine here-
' after, against the Catholic Faith, either preach, publish,
' maintain, or write a Schedule, whereby the People may
' be moved to take away the Temporal Possessions
' of the aforesaid Prelates; or preach and publish, That

Richard

‘ *Richard* late King, who is dead, should still be in full *King Henry IV.*
 ‘ Life; or that the Fool in *Scotland*; is that King *Richard*
 ‘ who is dead; or that publish or write any pretended
 ‘ Prophecies to the Commotion of your People; that
 ‘ they, and every of them, be taken and put in Prison,
 ‘ without being delivered in Bail, or otherwise, except
 ‘ by good and sufficient Mainprize, to be taken before
 ‘ the Chancellor of *England*, &c.’

At the Petition of *Thomas Lord Furnival*, and Sir
John Pelham, Knight, Treasurers of War as aforesaid,
 it was agreed, That certain Auditors assigned in this
 Parliament to take their Accounts, should make due Al-
 lowance to them; and that they, their Heirs and Land-
 Tenants, should be clearly discharged from the said
 Account.

Also the same Day, viz. 22d of *October*, the Speaker
 of the House of Commons came again before the King
 and Lords, and required, in the Name of that Body,
 that all the Lords of Council might be sworn to observe
 certain Articles, which they had drawn up, for the bet-
 ter Regulation of the public Affairs of the Kingdom.
 The Archbishop of *Canterbury*, for himself and others,
 refused to swear to them, but offered to do what they
 could towards their Observance. Upon this the King
 charged the said Archbishop, with the rest, on their
 Allegiance, to take the Oath, which accordingly they
 did; and further, the King caused all the Officers of
 his Household, and of all his Courts of Justice, to be
 sworn to fulfil the said Oath. The Articles were these:

[103]

I. ‘ That worthy Counsellors and Officers be ap-
 ‘ pointed, and not to be removed without good Proof
 ‘ of their ill Management.

Articles for the
 Regulation of
 the Government,
 presented by the
 Speaker, and
 sworn to by the
 King's Councils

II. ‘ That no due Grants be stayed at the Great or
 ‘ Privy Seal.

III. ‘ That none about the King's Person do pursue
 ‘ any Suit or Quarrel, by any other Means than by
 ‘ Order of the Common Law.

IV. ‘ That no Officer be appointed by any Mediation
 ‘ contrary to the Laws.

V. ‘ That Order be taken for the Governance of the
 ‘ King's House, Chamber, and Wardrobe.

VI. ‘ That the Revenues and Profits of the Crown
 ‘ and

King Henry IV. ' and Realm be employed towards the Charges next
' afore said.

VII. ' That no Person, under a Penalty, do receive,
' or take by Way of Gift, any of the Profits afore said.

VIII. ' That two certain Days in the Week be ap-
' pointed for all Suitors to exhibit their Petitions to the
' King; and that some Persons may be also appoint-
' ed to receive and give Answers to the same.

IX. ' That no Man, whatsoever, do prefer any Bill
' or Suit to the King on any other Days.

X. ' That none of the Council hold Pleas of any
' Matter determinable at Common Law.

XI. ' That all Statutes touching Buyers and Purvey-
' ors may be executed.

XII. ' That no one of the King's Council shall give
' Encouragement to any Sutor, before Determination
' had in full Council.

XIII. ' That no Matters of Council may be dispatch-
' ed, but by full Assent, unless the same require great
' Haste; in which Cases Word shall be sent to such
' Counsellors as are absent, to the End that their Advice
' may be known.

The XIV, XV, XVI, XVII, XVIII, and XIX Ar-
ticles, ordain, ' That none of the King's higher Of-
' ficers, or other Under-Officers, or Clerks, of any of
' his Courts, or of his Household, shall take any but
' their accustomed Fees, and appoint any Minister under
' them to do the same.

[104] XX. ' That the Queen do pay for her Journey to
' the King's Houses, as Queen *Philippa* lately did.

XXI. ' That none of the Officers of the *Marshalseas*
' of the King's House, or Clerk of the Market, do hold
' any Plea otherwise than in the Time of *Edward* the
' First.

XXII. ' That all the Sheriffs before the Election of
' Knights of the Shire, shall, by open Proclamation in
' their several Counties, give fifteen Days Respite to
' the Time and Place.

XXIII. ' That all the King's Great Officers of every
' Court, and of his Household, shall maintain the Com-
' mon Laws.

XXIV. ' That all Foreigners who are not Denizens
' do make Fines, by a Day, with the King.

XXV.

XXV. ' That the Steward of the King's House, with King Henry IV.
' the Treasurer, have full Power to discharge the Ser-
' jeants and other Officers for their Misdemeanors.

XXVI. ' That the said Officers, and Chamberlain
' of the Household, do execute their Trusts according to
' the Statutes of the King's House.

XXVII. ' That no Judicial Officer, or other Mini-
' ster within the King's House, or in any of his Courts,
' enjoy any of the said Offices, but at Will.

XXVIII. ' That all the Chief Officers of the King's
' House and Courts do make, yearly, strict Inquiries
' of all Misdemeanors and Misprisions done under them,
' and make Report thereof to the King's Council.

XXIX. ' That the Array of the special Affize chal-
' lenged be tried, at large, as in general Affizes; and
' that the Sheriff do take nothing for any Pannel between
' Party and Party. *Lastly*, That all the Articles afore-
' said shall only continue to the End of the next Parlia-
' ment.'

Whoever considers well the foregoing Articles, deli-
ver'd by the Speaker, will find that there is scarce a
trifling one amongst them; which evidently shews,
that the Commons of *England* were neither Fools nor
Knaves in those Days. Nor was the King less obliging
and condescending, on his Part, than the Commons
had been resolute and presumptive on theirs; not only
suffering the said Articles, which struck sufficiently at
his Prerogative, to pass into a Law, though but a tem-
porary one; but also compelling the Archbishop, with
the rest of the Council, &c. to swear to the Observance
of them. Which also, demonstrates that, whatever
indirect Steps *Henry* took to acquire the Diadem, he
was resolved to keep it; and is a strong Instance that
the best Laws for the Subject have been often gained
under the weakest Titles of our Kings.

It is remarked, that as the King's Design in this
Parliament was to demand Money, he readily gave
his Assent to secure the Freedom of Elections; by
which, it is evident that the King had done something
in the Elections for the last Parliament, tending to
abridge the Liberty of Votingⁿ. This Act is still ex-
tant

[105]

Act relating to
County Elec-
tions.

King Henry IV. tant on the Rolls and in our Statute-Books, by which it was enacted, ' That, at the next County-Court after the Delivery of the Writ of Parliament, all there present, as well Suitors summoned for the same Cause, as others, shall attend to the Election of the Knights for the Parliament, and in the full County they shall proceed to Election freely and indifferently, notwithstanding any Request or Commandment to the contrary. And, after they are chosen, their Names shall be written in an Indenture, under the Seals of all those that did chuse them, and tacked to the Writ of Parliament; which Indenture shall be holden for the Sheriff's Return of the said Writ °.' This Method seems, with some little Variation, to be the Manner of chusing at this Time.

There are many more Petitions, Answers, &c. in the Proceedings of this Parliament; which, because they are on lesser Affairs, or private Property, are omitted. It is observable, however, how anxious the Commons were that all these Matters should be carefully recorded; for, at their own Request, it was enacted, that certain Members of their House should be present at the engrossing the Roll of this Parliament.

Ample Grants
made by the
King to Sir JOHN
TIBETOT, the
Speaker,

[106]

The King, to shew his Generosity and Gratitude to Sir John Tibetot, the young Speaker of the House of Commons, granted to him, in Fee, all the Lands and Hereditaments of *Richard ap Griffith ap Voethus*, in the Counties of *Carmarthen* and *Cardigan*, and elsewhere, in the Principality of *South Wales*, forfeited to the King by his being an Adherent to *Owen Glendour*, Rebel and Traitor; and also the Office of Keeper of the Forests of *Waybridge* and *Sapley*, in the County of *Huntingdon*, without any Fee or Out-Payment. And, further, the King gave to the said Sir John the Goods and Chattels of *Peter Prifwick*, Carpenter, a Felon, amounting to one hundred and fifty Pounds; all which must be allowed a truly Royal Donation ^p.

Mr. Prynne makes an Observation again, at the End of this last Session of Parliament, to this Purpose, ' That the Commons' young Speaker took more upon him, and spoke more boldly and fervently to the King and Lords,

° Statutes at large, An. 7 Henry IV. cap. xv.

^p He was afterwards made Earl of *Worcester*. *Dugdale's Baronage*.

‘ Lords, than any Speaker had done before him. Which ^{King Henry IV.}
 ‘ Innovation, beginning to grow in Fashion, the King
 ‘ and Lords thought proper, in a succeeding Parliament,
 ‘ to put a Check upon, as a Novelty inconsistent with
 ‘ the King’s Prerogative: That the Speakers afterwards
 ‘ became more modest, and did not say any Thing that
 ‘ was displeasing to the King; or, if they casually did,
 ‘ to pray that it might be imputed, only, to their own Ignorance, and not unto the Commons.’ It is further remarkable, that this is the longest Parliament we have yet met with; for, though it is not said when it was dissolved, because the latter End of the original Roll is much defaced, yet we may well suppose, by the three Prorogations, that it continued near a Year; which was an Innovation, in the antient Constitution, taken Notice of by several Historians as a great Blot in this Reign. *Hollinghead*, in particular, says, That the long Continuance of this Parliament was a great Loss and Damage to the Commonalty; for the Expences of their Representatives was, almost, equal, in Value, to the Sum that was demanded for the Subsidy ¹.

At the End of the Roll of this Parliament is inserted, at Length, all the *Placita Coronæ*, or Pleadings of the Crown, against *Henry Earl of Northumberland*, and *Thomas Lord Bardolf*, for High Treason, in levying War against the King, &c. contained in fifteen Articles; and for which they were adjudged, by this present Parliament, as Traitors, to be drawn, hang’d, and beheaded, at the Discretion of the King, and to forfeit all their Lands, Castles, Lordships, &c. to him and his Heirs for ever. It was not long after this Sentence that the Forfeiture came to the King; for this very Year the Earl of *Northumberland*, raising Forces, entered *Yorkshire*, but was overthrown by the High Sheriff of that County, and himself, with Lord *Bardolf*, slain.—Thus the Father, Son, and Brother of that Noble Family fell by that Power they themselves had so unjustly raised to Sovereignty.

On the 20th of *October*, in the succeeding Year, another Parliament met, by Summons, at *Gloucester*; but, upon calling over the House of Commons, several Defaulters being found, it was put off for four Days longer.

[107]

King Henry IV. longer. On that Day the Archbishop of *Canterbury*,
Arundel, still Lord-Chancellor, opened the Session and
 Anno Regni 9. the Cause of the Meeting, with a Speech, and took
 1407. this Text for his Subject, *Regem honorificate*.

At Gloucester.

In which he endeavoured to prove, ' That, for three
 ' especial Causes, the King ought to be honoured. *First*,
 ' For that the King, by maintaining the Liberty of
 ' Holy Church, honoured God, and therefore ought
 ' himself to be honoured. *Secondly*, He ought to be
 ' honoured for his great Care towards his Subjects, as
 ' well in the Observation of the Laws, as in his Defence
 ' of them against Foreign Enemies. And, *Thirdly*, Be-
 ' cause that, ever since his Coronation, he had shewn
 ' Favour and Pardon to all that asked them. And add-
 ' ed, that, as in Necessity, every Member of Man's
 ' Body would seek Comfort from the Head, as the
 ' Chief; so he applied it to the honouring of the King,
 ' who was the Head of the Constitution. He desired
 ' the House of Commons to meet, in the Refectory of
 ' the Abbey of *Gloucester*, and choose a Speaker that
 ' Afternoon, and present him the next Day to the King :
 ' And, *lastly*, He required them all to consider on proper
 ' Means to end the Rebellion in *Wales*; to take Care for
 ' the safe guarding of the Sea ; for defending of *Guienne*,
 ' *Calais*, and *Ireland*, and the Northern Marches ; and
 ' how, by their Aid, the same might be best accom-
 ' plished.'

Sir THOMAS
 CHAUCER cho-
 sen Speaker.

The Chancellor having finished his Harangue, the
 Receivers and Triers of Petitions were constituted ; and
 the next Day the Commons presented Sir *Thomas Chau-*
cer† for their Speaker ; who, after Excuse for himself
 and Confirmation, made the common Protestation,
 which was granted. They were then ordered to meet
 every Morning, in the Place aforesaid, at Eight o'Clock,
 for the speedier Dispatch of Business.

It was not till the 9th of *November* that the Commons
 came again before the King ; where the said Speaker
 repeated his former Protestation, and began to rehearse
 the Grant of the last Subsidies, and the Oaths of the
 Lords, and others, for the Disposition of the same.
 But the Chancellor interrupted him, and said, That no
 Accounts were yet made for the Disbursements of the
 same

† Son to that famous *English* Poet, *Geoffry Chaucer*. *Stowe*, p. 326.

came to the Commons; and that the Lords, having King Henry IV.
little Thanks for the last, would by no Means take [108]
the like Oath again; which the King, at his Request,
excused them from^s. Then the said Speaker made
great Complaints against Purveyors; to which the
Steward and Treasurer of the King's House answered,
'That the same should be remedied.'

November 14. Upon the Coming of the Commons
before the King and Lords, the Speaker told them of His Complaint of
the great Disadvantage the Nation suffered by not Grievances.
guarding the Sea; and that those who had Lands on
the Marches of *Wales* never dwelled thereon; of which
he desired that due Consideration might be taken, which
was promised: And that certain Lords, by Name,
might be appointed to confer with the Commons on
these and other Matters^t. At the Request of the Mer-
chants, made last Parliament, the King granted to
Richard Gliderhowe, late Admiral of the South and
West Seas, the Allowance of 2668 *l.* which was due to
him. The Commons prayed that this might be paid out
of the first Money arising from the last Subsidy, and that
he be discharged of all Accounts.

On the 2d of *December*, which was the last Day of The Commons
this Parliament, the Speaker desired the King to give return Thanks
public Thanks to the Prince of *Wales*, for his great to the Prince for
Fatigue and good Conduct in *Wales*; for which both his Conduct in
the King and the Prince returned back their Compli- *Wales*.
ments to the Commons^u. After which the Prince,
kneeling before the King, cleared the Duke of *York* from
disloyal Reports spread against him, and, in open Par-
liament, averred him to be a true and loyal Knight. At
the same Time, the Speaker moved the King to ad-
vance his Sons the Lords *Thomas*, *John*, and *Humphrey*,
to some honourable Titles and Fortunes.

The Lords and Commons on the same Day granted A Subsidy
to the King one entire Fifteenth and Tenth, and one granted.
half

^s See before, p. 103, 104.

^t These were the Archbishop of *Canterbury*, the Bishops of *Winchester*
and *Durham*, the Duke of *York*, the Earl of *Somerset*, the Lords *Ross* and
Burnel. Record.

^u The Prince, having the Command of an Army in *Wales*, had gained
two Victories there; in the latter of which the Son of *Owen Glendour*
was taken Prisoner. *Rapin*, Fol. Edit. p. 496.

King Henry IV. half Fifteenth and Tenth, with the like Subsidy for Staple and other Merchandizes, as was granted in the last Parliament, for two Years. And, in Consideration of the Subsidies aforesaid, the King promised that, for two Years next ensuing, he would require no other Subsidies or Charge on his Subjects; and, for more Assurance thereof, desired that this might pass into an Act, and that every Member might have a Copy of it.

[109]

It seems, by the Record, that the Lords and Commons did not agree so well, as formerly, in this Parliament; for a Difference that happened between the two Houses about granting the Subsidy, gave Rise to the following Ordinance, viz.

An Order to prevent the Lords from communicating the Commons' private Debates to the King.

‘ That in all future Parliaments, in the Absence of the King, it should be lawful as well to the Lords by themselves, as to the Commons by themselves, to debate of all Matters relating to the Realm, and of the Means to redress them, without disclosing the same to the King before a Determination made thereof, and that to be done only by the Mouth of the Speaker.’ Which Ordinance was made, because Part of the aforesaid Displeasure arose on Account of the Lords making the King, several Times, privy to their Debates on the Subsidy, and brought Messages from him; which the Commons said was absolutely against their Liberties.

On the said last Day of this Parliament, the Speaker required, that the Commons might depart with as great Liberty as they had done heretofore; and again recommended it to the King and Lords, that sufficient Means might be taken for guarding the Seas, and resisting the *Welsh* Rebels ^x.

Anno Regni, II.
1410.

At Westminster.

According to the King's Promise in the last, it was not till two Years after that another Parliament was called, which was to meet at *Westminster* on the *Quintidene* of St. Hilary, or *January* the 27th, 1410. When the Bishop of *Winchester*, the King's Half-Brother, there being then no Chancellor, declared the Cause of the Summons to be for the Preservation of the Church's Liberties,

^x Some more Strokes were made at the Court of *Rome* this Parliament, on the Score of Provisions, &c. *Statutes at large*, An. 9 Henry IV. cap. viii.

Liberties, &c. and then took for his Subject, *Decet nos* King Henry IV. *implere omnem Justitiam*, on which he discanted to this [110] Purport ;

‘ That this Parliament was summoned for two Causes :
 ‘ The *first*, For the inward Governance of the Realm, as
 ‘ in the due Observance of the Laws. The *second*, For
 ‘ outward Governance, as in a proper Defence against
 ‘ a Foreign Enemy ; and in this he touched upon the
 ‘ Duke of *Burgundy*, then Governor of *France* ; who, he
 ‘ said, meant to besiege *Calais* with a great Army, and
 ‘ then to conquer this Kingdom.’

He told them, amongst other Matters, ‘ That there
 ‘ were two Kinds of Government, the *Jus Regimi-*
 ‘ *nis*, and *Jus Subjectionis* ; allowing the first to be
 ‘ better, according to the Answer of *Aristotle* to King
 ‘ *Alexander* ; who, being asked in what Manner the
 ‘ said King might strongest fortify the Walls of a new
 ‘ Fortrefs, or Frontier Town, which he had built,
 ‘ answered, That the strongest Walls were the hearty
 ‘ Good-Will of his Subjects, and Obedience to the
 ‘ Laws.’

He said, ‘ That all true Subjects owe to their Sove-
 ‘ reign three chief Points, *viz.* Honour and Obedi-
 ‘ ence, Reverence and Benevolence, and hearty Assist-
 ‘ ance. And, because the present Necessity required
 ‘ ready Assistance, and speedy Dispatch, the King had
 ‘ called this Assembly for a full Consultation ; which
 ‘ he wished might redound to the Glory of God, the
 ‘ Honour of the King, and the Safety of the whole
 ‘ Realm. For which good End he willed the Com-
 ‘ mons to go to an Election of their Speaker, and pre-
 ‘ sent him the next Day to the King.

On the 28th of *January*, the Commons presented Sir Thomas
 Sir *Thomas Chaucer*, again, for their Speaker, who, CHAUCER again
 making the common Protestation, the King, by his chosen Speaker.
 own Mouth, allowed of it ; but added, ‘ That since now
 ‘ the Lords and Commons were come to an Agreement,
 ‘ he expected that they, the Commons, would speak
 ‘ no unbecoming Words, or attempt any Thing that
 ‘ was not consistent with Decency.’

Feb. the 7th, at the Request of the Commons the
 Assizes were prorogued, by the King, during the Sit-
 ting of Parliament. But nothing more is said of their
 Pro- [111]

King Henry IV. Proceedings 'till the 15th of *March*; which, being at that Time in *Palm Sunday Week*, at the Desire of the Commons, the Parliament was adjourned to the *Quindene of Easter* next following.

At that Day, being *April* the 7th, the Parliament re-assembled, when the King granted, That certain of the most learned Bishops and worthy Lords should be assigned to be of his Council; and that they and all the Judges should be sworn to give good Counsel and upright Judgment.

Several Acts passed for the Security of the Kingdom.

On the 24th Day of *April* the Commons came before the King in Parliament, and presented divers Petitions for the good Governance of the Realm; which, with their Answers, are much too long to insert. The Tenor of some were to this Purport:

‘That all such as had Castles and Towns in the Marches of *Scotland*, should furnish them with Necessaries, and keep Guard there in proper Person. The same Order was taken for the Castles and Towns in *Wales*. Also that the Revenues of the King’s Dominions beyond Sea should, for three Years, be employed on the Soldiers there; and that no Officer there, who is immediately accountable to the King, shall enjoy the same during Life.

‘That three Parts of the Subsidy on Woolls shall be employed upon the Defence of *Calais*, the Castle there, the new Tower on *Rochbank*, and on the Marches of *Calais*, and for the Payment of certain Debts there. That such Subsidies as should be granted this Parliament should be employed according to the Grant, and not otherwise. And that all Foreigners, who are come into the Realm, except Merchants, shall make Protestation to live and die in the King’s Quarrel, shall serve in the Wars if they are able, and shall not be lodged but in *Englishmen’s Houses*. Also, that none of them shall be Brokers; and that no Broker shall be a Merchant to his own Use, &c.’

The great Respect paid by Parliament to Henry Prince of *Wales*.

On the 2d of *May*, upon the earnest Request of the Commons, such Lords as were before appointed to be of the King’s Council were again declared; all of whom, with the Judges, were then sworn to do Justice, except the Princes of *Wales*; who, for his high and excellent

cellent Quality^a, as is there expressed, was excused that ^{King Henry IV.} Ceremony.

The Reader may observe, that there are several Passages, in the Course of these Proceedings, which evidently shew what Respect the Commons, in Parliament, paid to this Prince of *Wales* at that Time. This does not, by any Means, suit with the light Character which most Historians have given of this Prince in his younger Days. And if he had been guilty of those Levities he is accused of, he would not have had, we may well suppose, so many Compliments paid him; nor have been made President of the Council, as he certainly then was: For, in an Ordinance made this Parliament, where, if any of the King's Chief Officers or Judges shall take any Bribe or Reward, he shall forfeit treble the Value to the King, it is wrote on the Margin of the Roll, *Respectuatur per Dominum Principem et Consilium*. It is therefore still more evident by this, what some Historians remark, That it was the King's Jealousy of his Son's growing Greatness and Popularity, and his Neglect of him for that Reason, which threw the Prince on the dissolute Courses which are laid to his Charge.

[112]

In this Parliament there was some Relaxation demanded of the late severe Act against the *Lollards* and Heretics; for now it was requested by the Commons, ' That all such Persons as should be arrested by Force of ' the Statute made against *Lollardy*, in the second Year ' of this Reign, may be bailed, and freely purge themselves of it; that they be arrested by no others than ' the Sheriffs, or such like Officers; and that no Havock ' be made of their Goods.

The Commons pray a Mitigation of the Act against the *Lollards*;

Answer. *The King will be advised*; which is a Denial.—Thus far the Record.

But a modern Author relates, That, on passing the Act for regulating Elections, the Commons were encouraged, before they granted an Aid, to renew their former Instances in regard to the Clergy. *Wickliffe's* Doctrine had gained so much Ground, that the Majority of the House of Commons were then in that Way of thinking; and, thus biased, they presented two Petitions to the King, one against the Clergy, and the other in Favour of the *Lollards*. In the first they set

VOL. II.

H

forth,

^a *A Cause del hauteſſe et excellence de son honorable Personne, &c.* Record.

King Henry IV. forth, 'That the Clergy made an ill Use of their Riches,
 [113] 'and consumed their Incomes in a very different Man-
 'ner from the Intent of the Donors: That their Re-
 'venues were excessive, and consequently it was neces-
 'sary to lessen them: That so many Estates might easily
 'be taken from them as would serve to provide for 150
 'Earls, at the Rate of 3000 Marks yearly each; 1500
 'Barons, at 100 Marks each; 6200 Knights, at 40
 'Marks; and 100 Hospitals, at as many Marks yearly
 'for each Hospital: That, by these Means, the King-
 'dom's Safety would be better provided for, the Poor
 'better maintained, and the Clergy more attached to
 'their Duty *.'

And renew their
 Project for re-
 ducing the Re-
 venues of the
 Clergy;

This is Mons. *Rapin's* Account of the Contents of
 this Bill; but could so learned and judicious an Author
 ever suppose that such a Number of Earls, Barons, and
 Knights, were likely to be supported at such a Calcula-
 tion, provided that the Commons were willing to raise
 so many new Lords and Masters amongst them? His
 Marginal Note refers you to *Walsingham* for his Au-
 thority; but, unfortunately for him, that very Autho-
 rity contradicts it, and shews him, if not an ignorant,
 at least a careless or an unfair Translator. *Walsingham's*
 Account of the Contents of the Bill, which the Com-
 mons now exhibited against the Clergy, is this, 'That
 'Temporalities, disordinately wasted by Men of the
 'Church, might well suffice to find the King with 15
 'Earls, 1500 Knights, 6200 Esquires, and 100 Alms-
 'houses, for the Relief of poor People, more than there
 [114] 'were then in *England*'. That every Earl should have
 'of yearly Rent, 3000 Marks; every Knight 100 Marks
 and

* Cent-cinquant Comtes, a 3000 Marcs chacun par Annee, quinze-cens
 Barons, a 100 Marcs chacun, 6200 Chevaliers, a 40 Marcs, & 100 Ho-
 spitaux, a 100 Marcs. *Rapin*, Edit. Amst. Tom. III. p. 407.

y The Form of the Petition, or Remonstrance, in *Walsingham*, made
 by the House of Commons to the King and Lords, runs in these Words,

*Excellentissimo Domino nostro Regi et omnibus Proceribus, in presenti Par-
 liamento constitutis, omnes Communes fideles demonstrant humiliter, dicentes
 veraciter, quod Dominus noster Rex potest habere de Bonis Temporalibus, per
 Episcopos et Abbates, ac Priores, occupatis ac superbe vastatis in Regno,
 quindecim Comites, mille quingentos Milites, sex mille ducentos Armi-
 geros, et centum Xenodochia plura quam sunt, bene et fideliter sustentata,
 de Terris et Tenementis, nunc inutiliter et superbe vastatis.*

The succeeding Account of the several Stipends, &c. is given by our
 older Chronicles, and is taken from an antient MS History of these Times,
 under the Title of *Titus Livius*.

‘ and 4 Plough-Lands; every Esquire 40 Marks and 2 *King Henry IV.*
 ‘ Plough-Lands; and every Alms-house 100 Marks;
 ‘ and be overlook’d by two true Secular Priests to each
 ‘ House. And, over and above all these, the King
 ‘ might put yearly, into his own Coffers, 20,000 *l.*
 ‘ Provided also, that every Township should maintain
 ‘ their own Poor that could not labour; on Condition,
 ‘ that if any was overburdened with them, then the
 ‘ said Townships to be relieved by the Alms-houses
 ‘ afore said. And, for to bear the Charges of all these
 ‘ Things, the Commons affirmed, in their Bill, that
 ‘ the Temporalities, then in the Possession of Spiritual
 ‘ Men, amounted to 322,000 Marks, yearly Rent.’
 The Commons also alledged, ‘ That, over and above
 ‘ the said Sum of 322,000 Marks, several Houses of
 ‘ Religion in *England* possessed as many Temporalities
 ‘ as might suffice to find 15,000 Priests; every Priest to
 ‘ be allowed, for his Stipend, seven Marks a Year.’

This is a genuine Account, from antient Historians, of this extraordinary Attack on the Clergy in those Days, though nothing of it is to be found on the Rolls of Parliament; the Bill was said to be brought into the House by Sir *John Oldcastle*, Lord *Cobham*; which drew upon him the Hatred of that vast Body of Men, and terminated at last in his own Destruction.

The second Petition is mentioned in the Record, wherein the Commons prayed, That the Statute passed against the *Lollards*, in the second Year of this Reign, might be repealed; or, at least, qualified with some Restrictions.

Mr. *Rapin* here again makes this Reflection on these two Petitions; ‘ That if the Parliament which first
 ‘ moved the lessening the Clergy’s Revenues was called
 ‘ the Unlearned, it may well be supposed that this met
 ‘ with no better Treatment. The Name of *Lollard*
 ‘ and *Heretic* was plentifully bestowed; and the
 ‘ Clergy considered these Petitions as tending to under-
 ‘ mine all Religion. This was industriously insinuated
 ‘ to the King, with all the Aggravation which Parties
 ‘ concerned are capable of displaying on such an Occa-
 ‘ sion. It is hard to know, says our Author, whether
 ‘ the King himself was of this Mind; but, however,
 ‘ he openly declared, that he had the Interest of the

[115]

King Henry IV. ' Church no less at Heart than the Clergy themselves.
 ' And, being now very easy from his Enemies, both at
 ' Home and Abroad, he had no Mind to provoke so
 ' great and dangerous a Body against him : For this
 ' Reason he rebuked the Commons very sharply, and
 ' said, *That he neither could nor would consent to their*
 ' *Petitions, and expressly forbid them to meddle any more*
 ' *with the Church's Concerns.* As for the Lollards, he
 ' added, *that, far from permitting the Statute against*
 ' *them to be repealed, he wished it more rigorous, for the*
 ' *utter Extirpation of Heresy out of the Land^a.*'

Both which the
 King refuses to
 comply with,

The Commons, as is said, being baulked again in their Expectations in these higher Matters, contented themselves with petitioning that Clerks, when convicted, might be put into the King's Prisons, or those of the Temporal Lords; alledging, for Reason, that Clerks, by those Means, frequently escaped the Punishment they deserved^a. This Point had been often attempted by the Laity against the Clergy; particularly, as high as the Reign of King Henry II. when that Prince, and all the Peers of the Realm, maintained this Point so stoutly against Archbishop *Becket* and Pope *Alexander III.* But our *Henry*, fearing to be exposed to the same Troubles his Predecessor had been, refused also to give his Assent to this Bill; and, to shew the Commons how far he was from giving any Countenance to these Proceedings, he signed a Warrant for the burning of one *Thomas Badby*, who had been before convicted of Heresy^b.

[116]

The

^a This King had been long suspected, even before he came to the Crown, to be as great a Favourer of *Wickliffe's* Doctrine as his Father was before him. *Fabian* and *Hollinghead* both write, that, in Sir *John Bagot's* Examination before the Council, very soon after the late Revolution, he declared that he heard King *Richard* say, ' That he knew the Duke of *Hereford*, if he was once King, would prove a bitter and cruel Enemy to the Church. *Hollinghead*, p. 511. *Biondi*, 49.

The Abbot of *Westminster* also, in his Speech to the Lords engaged in the Conspiracy against *Henry*, in the first Year of his Reign, urged, ' That he heard him once say, when Duke of *Lancaster*, That Princes had too little, and the Religious too much; and therefore he supposed he would be no Friend to the Church, if he continued long in that Dignity.' *Grafton's Chronicle*, p. 409.

^a *Walsingham's* Words are, *Ut Clerici convicti de cetero non traderentur Ergastulis Episcoporum, sed Carceribus regiis et temporalium Dominorum.* p. 379.

^b The Writ to the Sheriffs of *London*, *De Heretico comburendo*, for burning this *Thomas Badby*, is in *Fæd. Ang.* Tom. VIII. p. 627.

The Commons considered this Execution as an In-
 fult, and great Aggravation of the King's other Refusals; and accordingly, when *Henry* demanded a Power to levy every Year a certain Subsidy, which was a Tenth from the Clergy, and a Fifteenth from the Laity, without the Meeting of a Parliament, this Demand was boldly rejected. The Commons would have even refused the Supply for his necessary Occasions, if he had not forced them to it, by prolonging the Session 'till he got his Desire.

King *Henry IV.*

And suffers a *Lollard* to be burnt;

Which the Commons resent.

The Reader will find here much more Matter relating to the Proceedings of this Parliament, than the Records have given us; it must therefore rest on the Credit of the contemporary Historians before mentioned. By these it plainly appears, that *Henry* had as despotic Principles as his Predecessor, when he durst to shew them.

A Matter of more private Concern came also before this Parliament; which, since it bears Respect to an ancient and Noble Family, which we shall have great Occasion to mention in the Sequel of this Work, we cannot omit the Account of it from the Record itself.

The Petition of *Richard de Hastings* sheweth, That *Ralph de Hastings*, his Brother, who was attainted and beheaded for High Treason, in the sixth Year of this King, died without Issue; and prayeth to be restored, as well to his Blood, as to all such Lands as the said *Ralph* had at the Time of his Death, without any further Suit^c. Which Petition, by the Assent of the whole Parliament, was granted.

Another Article worth Notice, is, That Sir *Thomas Chaucer*, Speaker to this Parliament, was at that Time a *Placeman*, being *Chief Butler* to the King, and preferred a Petition to him, this Parliament, against the Citizens of *London*, for defrauding the King in his Prizage of Wines, by making Aliens free of their City, and thereby exempting them from paying the advanced Duty upon them as they ought to do. The King answered, That he would send for the Mayor and Aldermen of *London*, and charge them that they should grant no

H 3

such

^c He was beheaded for an Insurrection at *Tork*, *An.* 1405, with the Archbishop, and *Thomas Morebray*, Earl Marshal.

King Henry IV. such Franchise to any, but those who were actually resident and dwelling in the said City.

Alterations in
the Council at
their Request.

A Subsidy
granted.

[117]

On the 9th Day of *May*, and the last of this Parliament, the Speaker of the Commons required the certain Knowledge of the Names of those Lords who were to be of the Privy Council; whereupon two of them were changed. They then, with the Assent of the Bishops and Lords, granted the King the like Subsidy as in the 9th of this Reign, with the same Tonnage and Poundage, so as express Mention should be made in the Grant, *that it was provided of their own good Wills*; whereof they gave twenty thousand Marks to the King, to dispose of at his Pleasure. After which the Speaker recommended to the King the Persons of the Queen, the Prince, the Lords *Thomas, John, and Humphrey*, the King's Sons, and prayed their Advancement; for which the King thanked them, and promised Satisfaction in this Matter at a proper Opportunity^d.

Before the Meeting of this last Parliament King *Henry* found himself more at Ease in his Government than ever he had been yet. *France*, which had hitherto been a terrible Thorn in his Heel, was now itself torn in Pieces by a Civil War between the two Houses of *Orleans* and *Burgundy*. This also occasioned *Scotland* and *Wales*, since they could now receive no farther Assistance from *France*, to agree to a Truce with *England*. All *Henry's* inborn Enemies were almost totally destroyed; and having nothing to fear, either at home or abroad, he became more absolute than ever. The Reader may observe, that, at the Head of this Session, when the Speaker of the House of Commons made the usual Protestation, the King took more upon him than formerly, by prohibiting the Speaker from using any indecent Expressions; that is, we suppose, from saying or doing any Thing that might give him Offence. We shall here again beg Leave to give a remarkable Paragraph in *Rapin's* History, containing some Reflections on the Means *Henry* used to pack this Parliament; and as that Author does not quote his Authority, we shall rest it singly on his own; but it is Matter of some Wonder

^d Prince *Thomas*, his second Son, was accordingly created Duke of *Glarence*.

der that such Expressions should flow from the Pen of King Henry IV. this Historian.

‘ Though *Henry*, says he, had caused *Richard* to be
 ‘ deposed for usurping an arbitrary Power contrary to
 ‘ the Laws, yet he himself plainly shewed, by certain
 ‘ Proceedings, he would have been glad to govern with
 ‘ an absolute Authority : This chiefly appeared in the
 ‘ Elections of Members of Parliament. By the Direc-
 ‘ tions of the Court, certain Artifices were practised to
 ‘ render the Freedom of Voting of no Use, since the
 ‘ Sheriffs took the Liberty to return such Representatives
 ‘ as had not a Majority of Votes : This is a Thing of so
 ‘ fatal a Consequence, that it may be affirmed, The Li-
 ‘ berty of the *English* will no longer subsist, than whilst
 ‘ the Privilege of freely electing their Representatives in
 ‘ Parliament stands inviolated : If once the Sovereign
 ‘ comes to chuse what Representatives he pleases, the
 ‘ Bounds of the Royal Authority will be in the End so
 ‘ enlarged, that nothing but the mere Shadow of Liberty
 ‘ will remain : Of this, we have seen a remarkable
 ‘ Instance in the Reign of *Richard II.* But it may
 ‘ farther be added, That all the Kings of *England*, who
 ‘ have enjoyed a more absolute Power than the rest, ac-
 ‘ quired it by this Way ; I mean, by procuring their
 ‘ Creatures to be elected. When a Parliament consists
 ‘ of such Members, it is not the King which is charged
 ‘ with Encroachments on the People’s Liberty, but it
 ‘ is the Nation itself that voluntarily runs into Slavery :
 ‘ And if, afterwards, they resolve to throw off their
 ‘ Chains, they can only succeed by violent Means ; and
 ‘ this, by the way, is the Spring of most of our Civil
 ‘ Wars so often kindled in *England.*’

[118]

We may venture to affirm, that no Native Historian
 could more justly discant on the Abuse of *English* Par-
 liaments than this Foreigner hath here done. And we
 wish we could say that this Practice hath not been used
 in much later Reigns than what we are now upon. Yet
 the Reader may well wonder what all this long Pre-
 amble was to introduce ; our Author goes on and tells
 us, ‘ That the Parliament, which met in *January 1418*,
 ‘ considering the Consequences of the King’s Proceed-
 ‘ ings to over-rule Elections, believed the Redress of
 ‘ that Abuse as the most pressing Affair : Accordingly,

in

King Henry IV. ' in the Beginning of the Session, they presented a Bill to
 ' the King, by which the Sheriffs, who should be guilty
 ' of making false Returns, were to be fined 100 *l.*
 ' *Sterling* for each Offence'. The King would have
 [119] ' been glad to evade this Act; but as he could not do it
 ' without laying himself too open; besides, as he intended
 ' to demand a Subsidy, he gave it the Royal Assent.'

The only Reason *Rapin* gives for gaining this Statute is an *ipse dixit* of his own, not one single Word of it appearing on the Record. Nay, it is much more probable that the King and his Parliament agreed very well this Session; since, in the Grant of the Subsidy, they made him a singular, and very unusual, Present of 20,000 Marks to be at his own Disposal.

Another Parliament was assembled at *Westminster*, by Writ, the 2d of *November*, in the 13th and last Year of this King's Reign^f: At which Time, the Commons being called over, as usual, Sir *Thomas Beaufort*, another Half-Brother of the King's, then Chancellor, by virtue of Letters Patent there read and enrolled, began, prorogued, and continued the said Parliament for two Days longer.

Anno Regni 13. At which Time the said Chancellor, by the King's
 1411. Command, in his Presence, and in the Presence of all the Lords and Commons, declared, ' That this Parlia-
 At Westminster. ' ment was called for three Causes: For the good Go-
 ' vernment of the Realm, due Execution of the Laws,
 ' and the Defence of the Kingdom, with the safe Keep-
 ' ing of the Seas.' From these he argued, ' That to
 ' the good Governance of the Realm belonged faithful
 ' Council, without Flattery; and due Obedience, with-
 ' out Grudging. To the due Execution of the Laws did
 ' appertain sincere keeping of the same, and speedy Re-
 ' dress for Fear of Abuse. To the Defence of the Realm
 ' there needed their hearty willing Relief to the King in
 ' his Distress, with discreet and speedy Provision; for
 all

^e This is an Emendation of the Statute of 7 Henry IV. For the better Regulation of Elections for Knights of the Shire. Hereby not only the Sheriffs were to forfeit 100 *l.* for every such Offence, but the Knights of Shires, so returned, were also to lose their accustomed Wages. See before, p. 82 and 105, 106.

^f Sir William Dugdale places this Parliament in the 12th Year, and says, there were no Summons in the 13th; but the Records and the Statutes at large make it the 13th and last Year of this King.

‘ all which Causes they were then assembled.’ He add-^{King Henry IV.}
ed, ‘ That it was the King’s Pleasure the Church, with
‘ all Corporations and Persons, should enjoy their wont-
‘ ed Liberties; and, for expediting these Matters, he
‘ desired the Commons to chuse a Speaker, and present
‘ him the next Day.’

Accordingly the Commons presented Sir *Thomas*
Chaucer, once more, as their Speaker; whose Excuse not [120]
being allowed, he prayed that he might speak under the
usual Protestation. It was granted that he might speak
as others before had done, but not otherwise; and that
the King would have no Novelties introduced, and would
enjoy his Prerogative^a. Upon this, the Speaker desired
a Respite for three Days, to give his Answer in Wri-
ting; which was, ‘ That he desired no other Protesta-
‘ tion than what other Speakers had made; and that,
‘ if he should speak any Thing to the King’s Displea-
‘ sure, it might be imputed to his own Ignorance only,
‘ and not to the Body of the Commons;’ which the
King granted.

Then the Commons, by Assent of the Bishops and
Lords, granted to the King the same Subsidy, as to
Leather, Wooll, &c. with Tonnage and Poundage, as
in the two last Parliaments; but no Tenths or Fifteenths
at this Time. However, they made that Matter up by
a new and an unusual Grant, That every Person, Man or
Woman, possessed of Twenty Pounds by the Year,
above all Charges, shall pay Six Shillings and Eight-
pence, except Lands purchased in Mortmain, before
the 20th of *Edward I.* and Lands purchased in Frank
Almoigne, since the said 20th Year. This is the first
Tax upon Land that we have yet met with; but it was
given with this Proviso, That no Knights of Shires,
Citizens, or Burgessees of this present Parliament, should
be either Collectors, Assessors, Contrrollers, or Commis-
sioners, to collect, receive, or raise the said Tax; and that
it should not be made a Precedent in Time to come.

On the last Day of *November*, the Speaker, in the
Name of the Commons, prayed the King to give
Thanks to the Prince, and others appointed to be of
the King’s Council, in the last Parliament, for well
employ-

^a *Gar il ne verroit aucunement avoir nulle Manere de Novellerie en cest
present Parlement, &c.* Record.

Sir THOMAS
CHAUCER a
third Time cho-
sen Speaker.

A Subsidy with
the Land-Tax.

King Henry IV. employing the Treasure then granted; which his Majesty did accordingly.

It was enacted, ' That the Mint-Master within the Tower of London, and other Minters within the King's Grant, may coin, of every Pound of Gold of the Tower-Weight, Fifty Nobles; and of the same Weight of Silver, Thirty Shillings *Sterling*, during two Years; provided that the said Gold and Silver be of as good Allay as the old Coin was ^e.

An Act for regulating the Coin.

[121]

About this Time the current Coin of the Nation was much debased by Foreign Money being added to it; whereupon a Law was made, this Parliament, for prohibiting a certain bad Coin. called *Galley-Half-Pence*, to pass current, as also all Foreign Money, as well of Scotland as other Nations. An Historian writes, That though the King had no Tax granted this Parliament, (we suppose he means no Tenths nor Fiftcenths) yet he so well managed the Business of the Coinage, that he raised as good a Fund by it; for, partly by seizing the forfeited Money, and partly by coining new Nobles, which he made a Groat lighter than the old, he much enriched his own Treasury ^f.

A Church Affair of some Consequence came also before this Parliament; *Thomas*, Archbishop of *Canterbury*, by a long Instrument in *Latin*, shewed, That, in the Time of *Richard II.* the University of *Oxford* had purchased a Bull to be clearly exempt from the Visitation of the said Archbishop, to the End that they might better support Heretics and *Lollards*; and that the said King *Richard* took Order that they should still be subject to the said Archbishop's Visitation, notwithstanding the said Bull: Yet, he added, that, in this King's Time, he had been disturbed in his Visitation aforesaid by *Richard Courtney*, the Chancellor, *Bennet Brett* and *John Birch*, the Proctors of the said University; and that, by their Submission to the King's Order, it was by him, in Chancery, decreed, That the whole University aforesaid, and all Orders, Persons, and Faculties in the same, should be fully subject to the Visitation of the said Archbishop and his Successors, and to his and their Officers. And that as often as the said Archbishop, or his Successors, or his

QF

^e Statutes at large, An. 13 Henry IV. Cap. vi. Rot. Parl.

^f Daniel in Kennet, p. 301.

or their Officers, should be interrupted by the said *King Henry IV.* Chancellor, their Liberties should be seized into the King's Hands, untill the said Archbishop was restored to his Right. And, further, for every Time of such Interruption, the said Chancellor, or other Officer of the University, should be bound to pay to the King One thousand Pounds.

The Archbishop of Canterbury's Power of visiting the University of Oxford, confirmed by Parliament, notwithstanding the Pope's Bull of Exemption.

All these Articles and Orders, at the Request of the said Archbishop, were confirmed by the whole Assent of Parliament. On all which Mr. *Prynne* makes this Remark, ' That hence it most manifestly appears, that, ' even in those Days, the Prerogatives of our Princes ' were nothing subject to the Pope's Supremacy; for, ' otherwise, this Archbishop, the Pope's adopted and ' Foster-Son, would not have so slighted the Pope's Bulls, ' which he plainly took for mere Bells and Baubles &c.

[122]

On the 20th of *December*, which was the last Day of this Parliament, the Lords and Commons, by their joint Petition, seemed to lament, that a Report was spread, that the King was offended with some, in both Houses, for Matters done in the last Parliament; and they desired that the King would embrace and esteem them as his loyal Subjects; which Request he, out of meer Grace, granted. Then the Speaker again recommended to the King the Persons of the Queen, the Prince, and the rest of the King's Sons, praying the Advancement of their Estates; for which his Majesty returned them his hearty Thanks. And, after the more private Petitions of the Commons were answered, the Chancellor, by the King's Command, gave Thanks to the Three Estates of the Realm, and dissolved this Parliament^h.

But we must not omit to mention that a Statute was passed in this Parliament against Riots and other public Assemblies.

^g *Prynne's Abridgement*, p. 480.

^h Sir *John Thompson*, afterwards Earl of *Haverham*, hath observed, in his Preface to the Memoirs of the Earl of *Anglesea*, ' That, from the first of *Edward III.* 1327, to the 14th of *Henry IV.* that is, in the Space of 85 Years, there are extant 72 original Writs for the Summons of Parliaments; so that, allowing 40 Days from the Tests of the Writs to the Returns, and but one Month for the Sitting of Parliaments, there will not be a Year's Interval between the Dissolution of one Parliament and the Summoning of another.' And there are two Laws now in Force for the annual Meeting of the King in Parliament, *viz.* the 4th and 36th of *Edward III.*

King Henry IV. Assemblies; whereby it was enacted, 'That all Justices of Peace should have a very strict Eye upon the Subject, to prevent all riotous Meetings, and Sheriffs to be as watchful to suppress them; which, if they neglected, they should each of them forfeit 100 l. for every such Offence'. By which, adds the Historian before quoted, it seems that King Richard's Ghost haunted this King to his dying Day; that the People were never thoroughly satisfied, but disturbed his Peace, on every Occasion, by Riots and Tumults^k. However we find, in the *Public Acts*, a general Pardon, or Act of Grace, not mentioned in the *Records*, which must have passed in this Session of Parliament, though it is dated *December 22*, or two Days after the Dissolution of it. The King's Writ, or Proclamation of the Act, was sent to all the Sheriffs in *England*; and there are but two Exceptions, viz. *Owen Glendour* and *Thomas de Trumpyngton*, with their Adherents, included^l. This seems to be a very seasonable Act of Grace, both for the King and his Subjects; since, as he shewed Mercy to them, he had the better Title to expect it himself from the *King of Kings*, before whom he was shortly to appear; for, very soon after, *Henry* was seized with a Distemper, which, in three Months Time, brought him to his End; dying *March* the 20th, 14^{1/2}, in the 46th Year of his Age, and the 14th of his Reign^m.

A general Pardon.

[123]

The Death of Henry IV.

An Abstract from the Speech that *Shakespeare* makes this King *Henry* give to his Son the Prince of *Wales*, on his Death-Bed, by way of Advice to him, may not improperly conclude this Reign.

KING. *C*ome hither, Harry, sit thou on my Bed,
And hear, I think, the very latest Counsel
That ever I shall breathe. Heav'n knows, my Son,
By what Bye-Paths and indirect crook'd Ways
I met

ⁱ Statutes at large, Anno 13 Henry IV. cap. vii.

^k Daniel in Kennet, p. 301.

^l Fed. Ang. Tom. VIII. p. 711.

^m Most of our old Chronicles will have it, that *Henry* died before the last Parliament was dissolved. But few of them agree in the Distemper that caused it; some say, that he died of an Apoplexy. and *Polydore Vergil* will have it, that it was an incurable Disease, inflicted for his Usurpation, and says, *Subito Morbo tentatus, nulla Medicinâ sublevari potuit.* lib. XXI. p. 438.

*I met this Crown; and I myself know well
How troublesome it sat upon my Head.*—

*It seemed in me
But as an Honour snatched with boist'rous Hand,
And I had many living to upbraid
My Gain of it by their Assistance;
Which daily grew to Quarrel and to Bloodshed.*—

*Therefore, my Harry,
Be it thy Course to busy giddy Minds
With Foreign Quarrels; that Action, hence,
born out,*

*May waste the Memory of former Days.
More would I say, but my Lungs are wasted so,
That Strength of Speech is utterly deny'd me.
How I came by the Crown, O God, forgive!
And grant it may with Thee in true Peace live.*

TAXES in the Reign of King HENRY IV.

[124]

IN his first Year there was granted to him 50 s. on every Sack of Wooll from Denizens; and Three Pounds from Aliens for three Years: Also a Tenth and a Fifteenth.

In his second Year, a Subsidy was granted of one Tenth, and one Fifteenth; Two Shillings on every Ton of Wine, and Eight-Pence in the Pound on Merchandize.

In his fourth Year there was granted to the King, the usual Subsidy on Woolls, Wooll-Fells, and Skins, for three Years; also Three Shillings on every Ton of Wine, and Twelve-pence in the Pound on Merchandize, besides a Tenth and a Fifteenth.

In his fifth Year there was a Tax of Twenty Shillings on every Knight's Fee, and Twenty-Pence of every one that had Twenty Pounds Lands a Year, and One Shilling in the Pound for Money or Goods, and so upwards according to that Rate: But the Record of this Subsidy was burnt by Order of the Parliament that granted it.

In his sixth Year he had two Tenths and two Fifteenths, also the Subsidy on Woolls, Wooll-Fells, and Skins; that is, of every Denizen, for each Sack of Wooll, 43 s. 4 d. for every 240 Wooll-Fells, the like Sum,
and

King Henry IV. and for every Last of Skins, Five Pounds : Of Aliens, 10 s. more ; to subsist for two Years : Three Shillings on every Ton of Wine, imported or exported, and Twelve-Pence in the Pound on Merchandize.

In his seventh Year there was granted a Subsidy of one Tenth and one Fifteenth, besides the usual Grant upon Woolls, &c.

In his ninth Year, he had one entire Fifteenth and Tenth, and one half Fifteenth and Tenth ; with the same Subsidy as in the last Parliament, for two Years.

In his eleventh Year the same Tax was granted ; And,

In his thirteenth Year, it was again repeated, with the Addition of 6 s. 8 d. upon every Owner of Lands of 20 l. a Year, clear Estate.

[125] Towards forming some Notion of the Value of these Taxes, take the following Account of

The Price of PROVISIONS in this Reign.

In 1401, Wheat very dear, at 16 s. the Quarterⁿ.

In 1407, a Cow was sold for 7 s. and her Calf for 1 s. 8 d. Five Bushels and a Half of Salt for 3 s. 4½ d. Two Bushels of Wheat for 10 d. A Thresher for a Day's Labour 2 d. An Ox sold for 13 s. 4 d. A new Plough 10 d. For eleven Bushels of sowing Wheat 5 s. 10½ d. For eighteen Bushels of sowing Oats 4 s. 6 d. For a Dung-Cart and all Materials 1 s. 2 d. For a Pair of Cart-Wheels 3 s. 2 d°.

ⁿ Fabian's Chronicle.

^o Kenner's Parochial Antiquities, Fleetwood's Chronicon Pretiosum.

HENRY the Fifth began his Reign *March 20*, King Henry V.
Anno 1413, the Day of his Father's Death, and

[126]

was proclaimed on the next, with the usual Ceremonies. Our older Chronicles, and their Copiers, impute several Wildnesses and light Behaviour to the Minority of this Prince, very unbecoming his high Birth and Station. But the Reader may observe, in the Course of these Inquiries, throughout his Father's Reign, that several high Compliments were made this Prince of *Wales*, on his Valour and Prudence, by Parliament; very inconsistent with such a Character^p. We are told by a contemporary Historian, and an antient Manuscript Chronicle of this King's Life, that the late King, his Father, had summoned a Parliament to meet at *Westminster*, on the 24th of *March* this Year, which was four Days after he died^q. That, being met accordingly, they gave an extraordinary Testimony of their entire Confidence in the new King, by an Address to him from both Houses, wherein they offered to swear Allegiance to him before he was crowned, or had taken the customary Oath to govern according to the Laws. The King gave them Thanks for their good Affections to him, and exhorted them to employ all their Power for the Good of the Nation, in their several Places and Stations. He told them, 'That he began his Reign 'by pardoning all that had offended him; and, with a 'sincere Design for his People's Happiness, said, That 'he would be crowned on no other Condition, than 'to make use of all his Authority to promote it: And 'prayed to God that, if he foresaw he was like to 'prove any other than a just and good King, he would 'please to take him immediately out of the World, rather than seat him on the Throne, to be a public Calamity to his People.'

His Speech to
 the Parliament
 on his Accession
 to the Crown.

The generous Offer made by both Houses of Parliament to this King, at his Accession, and such as, an old Historian^r says, was never made before to any Eng-
lish

[127]

^p See before. p. 108, and 112, 113.

^q *Titus Livius*, a MS wrote under that Name, of this King's Reign and dedicated to his Son and Successor. *Nicholson's Hist. Library*, p. 82.

Walsingham writes that this Parliament met on the Day after *Candlemas-Day*, but that the King did not live to see the End of it, dying on *March 20*, as aforesaid, p. 382.

^r *J. Stowe's Chron.* p. 343.

King Henry V. *lish* Prince, is another convincing Testimony of the great Confidence they placed in his Administration and Justice: And his subsequent Conduct evidently shewed that they were not mistaken in him. But, whatever our old Chronicles say of the calling this Parliament, we meet with no Authority for it on Record^s. There is an inconsistent Account, in the *Abridgement*, of a Parliament called at *Leicester*, *January* 29, the first of this King, and prorogued to the same Place the last Day of *April* following; but the Dates of the Writs do by no Means agree with the Date of the last King's Death. This Matter, however, is set right by another Inspector of Records^t, who has given us the Form of a Writ directed to *Thomas* Archbishop of *Canterbury*, dated *March* 22, for calling of a Parliament. The Reasons given in the said Writ of Summons were these, 'That the King, by the Advice of his Council, had determined to hold a Parliament three Weeks after *Easter* next following, in order to consult and treat with the Bishops and other Prelates, the Lords and Commons, concerning the State and Safety of the Nation. The Archbishop was therefore commanded, as he had any regard to the King's Honour, or the Safety and Defence of the Kingdom, to be present at the Sessions, and to give Notice, to the Prior and Chapter of the Church of *Canterbury*, to the Archdeacons and all the Clergy of that Diocese, that the Prior and Archdeacons should come in their own Persons to Parliament, and that the Chapter should send thither one fit Proctor, and the Clergy two, distinctly appointed, with Power to consent to what should be enacted by the General Council of the Nation.' The like Writs were directed to other Bishops, Abbots, and Priors, to *William Gascoign*, Lord Chief Justice; to *Edward de Courteney*, Earl of *Devonshire*, and others of the Nobility.

[128]

Anno Regni 1.

1413.

At *Westminster*.

On the appointed Day, being *May* 15, that Year, the Parliament met at *Westminster*; when the King sitting on his Throne, and the other Estates of the Realm

^s This Reader will find in the Account we give of the next Parliament, that the Members of the House of Commons petitioned the King that Costs might be allowed them for attending this Parliament, *Anno* 14 *Henry* IV. though no Business was done at it.

^t *Dugdale's Summons to Parliament*, p. 388.

Realm attending, the Bishop of *Winchester*, the King's Uncle, and Lord-Chancellor, made a Speech to them, wherein he first declared, 'That this Parliament was called in order that the Church, with all Corporations and Persons, should enjoy their accustomed Liberties, and also for a general Consultation.'

The *Latin* Sentence he chose for his Theme was, *Ante omne Actum Consilium stabilere*; he told them, 'That the King desired to consult with them on several Accounts, for the competent Support of his Royal Dignity; the due Execution of good Laws and Government of the Nation; the encouraging his Allies, and subduing his Enemies: And, that they might more effectually go about these weighty Matters, he urged the Commons to chuse their Speaker, and presented him the next Day to the King.' Then the Receivers and Triers of Petitions were appointed, and, the Day after, the Commons presented *William Stourton*, Esq; who was allowed.

WILLIAM STOURTON, Esq; chosen Speaker;

May 22. The Commons came before the King and Lords, when their Speaker declared to his Majesty, That, in the Time of his Father, many fair Promises were made for the Observation of the Laws, but nothing done in them; whereupon he prayed the King to provide for the due Execution of them; and particularly mentioned a late Riot against the Abbot of *Cirencester*, which he desired might be punished. The Speaker was commanded to exhibit the same in Writing, that the King might the better consider of it.

May 25. *John Dorewood*, Esq; and others of the Commons, delivered to his Majesty a Scheme, for providing for the Defence of *Ireland*, the Marches of *Wales* and of *Scotland*, of *Calais*, the Duchy of *Guienne*, for safe guarding the Seas, for furnishing out a Fleet, and for raising sufficient Forces to repel any Invasion.

On the 3d of *June* the Commons again attended the King in the House of Lords, and their Speaker being rendered, by Sickness, unable to serve, they presented the said *John Dorewood*, who had the King's Approbation.

But falling sick, JOHN DOREWOOD, Esq; is chosen in his Place.

And whereas Annuities were to be paid to several Persons by Letters Patent, it was enacted, 'That the

[129]

King Henry V. 'King, for the Support of his Charges, should yearly receive 10,000*l.* and the Remainder should be paid according to the Rate.' And whereas Henry IV. had, by his last Will, given all his Goods and Chattels to discharge his Debts, and for the Payment of certain Legacies, and had made Henry Archbishop of York, Thomas Bishop of Durham, John Pelham, Robert Watterton, and John Laventhorp, Executors, and had appointed the King and Archbishop to be Overseers of this his Testament; but the Goods falling short, the Archbishop of Canterbury, as Ordinary, ought to have the Administration of the said Goods and Chattels: Therefore, that they might not be set to common Sale, the King took Possession of them, and granted the Sum of 25,000 Marks, the Value of these Goods, to be paid out of the Wardrobe in three Years to the Executors, and discharg'd them of all Executions by the same Will, which should be over and above the last mentioned Sum. The Commons petitioned the King, 'That the Statute made in the 5th Year of Henry IV. for the Regulation of Aliens, might be observed:' Which the King granted, saving his Prerogative. The Commons, with the Assent of the Bishops and Lords, granted to the King the like Subsidy on Staple-Wares, with Tonnage and Poundage for four Years, as they had given to his Father in the 13th Year of his Reign. After which stands a general Pardon for all Offences whatsoever, committed against the Crown in his Father's Time, without any Exceptions.

The King pays
his Father's
Debts.

A Subsidy grant-
ed for four Years.

Act against Pro-
visors from Rome
reinforced.

In the 25th Year of Edward III. an Act had been made for maintaining the Right of the English Kings to confer Ecclesiastical Preferments and Benefices: It was reinforced and confirmed afterwards by two others, one made in the 13th of Richard II. the other, to the same Effect, in the 2d of Henry IV. forbidding all Persons to accept any vacant Bishoprics, or other Church Benefices, from the Popes of Rome, or any other than the King, under Penalty of Banishment, and Forfeiture of Lands and Goods to the Crown. And now, by this Parliament, in the first Year of Henry V. it was enacted, 'That all these Statutes made against Provisors from Rome should be strictly observed.'

The House of Commons presented a large Complaint ^{King Henry V.} of the many Oppressions with which the Ordinaries aggrieved the People in the proving of Wills, and the like ; and of the Abuses they committed by punishing Fornication and Adultery with Pecuniary Pennance ; and petitioned the King, that these Grievances might be redressed : Whose Answer was, ‘ That he would give Orders to the Bishops to rectify them, and if they neglected it, he would do it himself.’ They likewise petitioned, that Wages might be allowed to the Knights and Burgeses summoned to Parliament in the 14th Year of Henry IV. though nothing was done in that Session. The King replied, ‘ That if, upon View of the Records, any the like Precedents could be found, Allowance of their Fees should be made.’ They also petitioned, That the Grounds set out by the Perambulations of Edward III. might be intirely disforested ; to which the King answered, ‘ That such as had just Complaints against the Charters of the Forest should be heard.’ And when the Commons farther asked of the King a Declaration for surcharging of Sheriffs, and petitioned that they might be allowed upon their Oaths in the Exchequer, he promised, ‘ That, upon the Sheriffs’ coming before the Council and the Barons of the Exchequer, they should find Remedy.’ To another Petition, desiring that no Barge, Ship, Boat, or other Vessel going on any River, be taken for a Deodand, if a Person, accidentally falling out of it, be drowned, the King replied, ‘ That he would take Advice about it.’ The like Answer he returned to a Petition offered in Favour of Merchants, that they might freely bring into the Nation their Goods of Arras, and all other Merchandize but that of the Staple ; and, paying their due Customs, might sell the same as they pleased to all Men, the Genoa Merchants excepted.

Petitions of the Commons.

As the Commons thus made their Petitions to the King, either for the redressing of Grievances, or for the Establishment of such Orders as they apprehended might promote the Public Good ; so likewise many Laws were enacted to render the Nation rich, flourishing, and prosperous. It was enacted, ‘ That all Aliens should depart the Kingdom, and that all such Merchants Aliens as remained should live in English Families, on

[131]

King Henry V. 'Pain of Imprisonment at the King's Will; also that
 'all the Livings of Priors Aliens (besides some which
 'they excepted) should be seized for the King's Use.' By another Act it was ordained, 'That every Juror in
 'all Inquisitions should be questioned upon his Oath,
 'whether he, or any other, had received any Thing for
 'his Use, as to the Process of the Business, and that
 'upon Conviction by his Oath he should be tried.' An Act was made about the Election of Persons to
 serve in Parliament; by which it was appointed, 'That
 'none should be chosen Knights of the Shire, who
 'were not resident in the County on the Day when the
 'Writ of Summons was dated; nor any be chosen
 'Burgesses, but such as were Citizens or Townsmen,
 'and Freemen, dwelling in the Cities and Towns
 'where they were elected.' Another Act passed to in-
 force the observing of some former Statutes about the
 removing or straiting Wears, Mills, Stanks, Stales, and
 Kydels, which were a Nuisance to the Rivers. Ano-
 ther against the Forgers of false Deeds, ordaining,
 'That the aggrieved Party should have his Suit, and
 'recover Damages, and that the Person convicted should
 'make Fine and Ransom at the King's Pleasure.' By
 another, Provision was made against the Abuses that
 arose from the Continuance of the Officers of Sheriffs,
 such as Under-Sheriffs, Clerks, Receivers, and Bailiffs,
 in their Places, from Year to Year, or from their in-
 terchangeable Removal out of one Office into another:
 It was enacted therefore, 'That those who should be
 'Bailiffs or Sheriffs for one Year, should bear no such
 'Office for three Years following, excepting Bailiffs or
 'Sheriffs which are inherite in their Office; and that
 'no Under-Sheriff, Sheriff's Clerk, Receiver, or Bailiff,
 'should be Attorney in any of the King's Courts during
 'their being in any such Office.' By another Act it
 'was ordained, 'That, in every original Writ of Ac-
 'tions Personal, Appeals and Indictments, Additions
 'should be made of the Estate or Degree, or Mystery
 'of the Persons, and of the Counties and Towns where
 'they dwelt.' And whereas the Friends and Kindred
 of those Rebels that were slain in the late Commotions
 in *Wales*, in the former Reign, endeavoured to revenge
 their Blood by Quarrels and Insults on the King's faith-
 ful

Several Acts
 passed for the
 public Benefit
 of the Nation.

ful Subjects, by Indictments or Impeachments, or King Henry V. Threatnings of Vengeance, it was therefore ordained by another Statute, 'That no such Quarrel, Action, or Demand be made, on Penalty of paying to the injured Person treble Damages, and of two Years Imprisonment after the Conviction.' There were Complaints also of Neglect in executing the Law made in the 13th Year of *Richard II.* forbidding any Alien *Frenchman* to have or enjoy any Benefice within this Nation, and requiring their Departure out of the Nation by a certain Time limited: And that when any Benefices became vacant by the Departure or Death of the Priors Aliens, or others, *Englishmen* should be put in. The Commons represented 'That, contrary to this Act, Alien *Frenchmen* did purchase the King's Letters Patent to be Denizens, that they might enjoy the Benefices, which they did accordingly possess, to the great Damage of the Kingdom, by carrying away its Treasure, and betraying the King's Counsels to his Enemies.' The King, considering these Mischiefs, passed an Act to enjoin the strict Observance and Execution of the former; also for clearing the Nation of these Priors Aliens, those that were Conventual, and those who had Institution and Induction, only excepted, on Condition that they be Catholic, and find Surety not to disclose the Counsels and Secrets of the Realm. Great Disturbances were produced by the coming over into *England* of considerable Numbers of *Irishmen*, and begging Priests, who were called Chamber-Deacons: Therefore, for the Establishment of the Quiet here, and to re-people that forsaken Kingdom, it was ordered by Parliament, 'That they should depart before the 1st of *November*, on Forfeiture of their Goods, and Imprisonment at the King's Pleasure.' There was another Complaint exhibited, 'That whereas all the Revenues, Profits, Fishing, Customs of the Town and Marches of *Calais* had been appointed by *Edward III.* and *Richard II.* to be levied by the Treasurer of *Calais*, to satisfy the Charges necessary for its Defence, these Revenues had been diverted from their intended Use in the former Reign, and bestowed by Letters Patent on several Captains, and other Persons.' An Act was passed to revoke all these Patents and Grants,

[133]

King Henry V. and to appropriate the Revenues and Profits of that Town to their first Purpose.

Whilst the Parliament sat at *Westminster*, the Convocation of the Clergy, according to the usual Custom of those Times, was assembled at *St. Paul's*, and were much more active in their Proceedings than the other. *Thomas Arundel*, Archbishop of *Canterbury*, being sensible how zealous the King was for the Church, thought this the fittest Opportunity to root out those Heretical Doctrines, which had long been a grievous Thorn in the Sides of the Clergy. He hoped that the King's Youth and natural Courage, concurring with his religious Inclination, would more earnestly engage him in a Work, by which he might merit, at once, both the Favour of God and of his People. By the Help of twelve Inquisitors, which the Prelate had sent out the Year before, he had collected a large Bundle of Accusations, which were afterwards digested into no less than 246 Articles, against the Principles and Doctrines of the *Lollards*. On the canvassing of these, in Convocation, it was at length decreed, 'That it would be impossible to extirpate the Doctrines of *Wickliffe*, unless certain Great Men, who 'were the professed Abettors and Maintainers of them, 'were taken off: That Sir *John Oldcastle*, Lord *Cobham*, being the Chief of them, should be first dealt 'withall; and that, without Delay, a Process should be 'issued out against him, as a most notorious Heretic^a. And, because the said Lord was in great Favour with the King, for his Conduct and Valour, it was thought adviseable to acquaint his Majesty with their Designs, and the just Occasion of them; that, having obtained his Leave, their Proceedings might be more successful, and give less Offence^b.

These Things being settled in Convocation, an Accident happened which gave the Clergy a much greater Handle to work the Downfall of these new Reformers; who, being openly abetted by some, but secretly by many more Great Men, who wanted to be sharing the Revenues of the Church amongst them, were become exceed-

^a This Sir *John Cobham* had been principally concerned in bringing in a Bill in the last Reign for reducing the exorbitant Revenues of the Clergy: The worst Kind of Heresy he could be guilty of.

^b *Walsingham*, p. 383. *Daniel in Kennet*, p. 309. "See also *Fuller's Church History*, and *Collier's Ecclesiastical History*, p. 633, & *supra*.

The Clergy stir up the King to prosecute Sir *John Oldcastle* as a Favourer of the *Lollards*.

exceeding dangerous to the Clergy: And, in the very ^{King Henry V.} first Year of this King, an Insurrection of these Reformers began in and about *London*, headed by Sir *John Oldcastle* and others, which might have proved of ill Consequence, had not the King himself, by his Vigilance and Conduct, suppressed it. This unadvised Step of the *Lollards* gave the young Monarch a warm Resentment against them, and made him judge that their Principles were equally destructive to Church and State; as has been found, by woful Experience, in some of their Followers of a much later Reign.

A Parliament was called to meet at *Leicester* on the 30th of *April*, 1414. There is no Account of the Proceedings of this Parliament to be met with on the Rolls; the *Abridgement* of them gives us the Summons to one, dated at *Westminster* the first Day of *December*, to meet at *Leicester* on the 29th Day of *January* following, and from thence prorogued to meet at the same Place the last Day of *April*, which must be in the second Year of this King. We presume the Roll of this Parliament is lost; and therefore what we have to say of it is taken from the Statute-Books and our older Historians. The first Act that we find to be done at it, was a very severe Statute made against the Followers of *Wickliffe's* Doctrine, whereby it was enacted^c, ‘That whoever read the Scriptures in *English*, which was then called *Wickliffe's* Learning, should forfeit Land, Cattle, Goods, and Life, and be condemned as Heretics to God, Enemies to the Crown, and Traitors to the Kingdom; that they should not have the Benefit of any Sanctuary, tho’ this was a Privilege then granted to the most notorious Malefactors; and that if they continued obstinate, or relapsed after Pardon, they should first be hanged for Treason against the King, and then burnt for Heresy against God.’ The Clergy having obtained this Act, it was soon put in Execution; many were taken, and suffered Death upon it, and others fled in great Numbers into *Germany*, *Bohemia*, *France*, *Spain*, *Portugal*, and into the Mountains of *Scotland*, *Wales*, and *Ireland*.

Anno Regni 2.
1414.

At Leicester.

A most severe
Law against
them.

[135]

Several Acts of public Benefit were likewise passed in this Session, viz. An Act to remedy the Abuses committed

^c Statutes at large, Anno 2 Henry V.

King Henry V. ted in diverting the Goods and Revenues of Hospitals to other Uses than what the Founders intended. Also an Act against the Followers of *Wickliffe*, who were called Heretics and *Lollards*; in which it was required, 'That the Chancellor, Treasurer, Justices of the one Bench with the other, Justices of Peace, Sheriffs, Mayors, Bailiffs, and all other Officers, should take an Oath to employ their Power to extirpate all Manner of Heresies, commonly called *Lollardies*, within the Places where they exercised their Offices: And that all Persons convicted of Heresy, and left to the Secular Power, should forfeit all their Lands and Goods to the King.' Likewise an Act against Riots and unlawful Assemblies, enjoining, 'That such Rioters as were attainted of great and heinous Riots, should suffer at least one whole Year's Imprisonment without Bail or Mainprize; and that they who were attainted of lesser Riots, should suffer Imprisonment as long as the King and his Council thought fit; and that the Fines on such Rioters should be raised to greater Sums than they were usually, for the Support of the Costs of the Justices and other Officers.' There was another Act^d passed this Parliament, by which the Priories Alien, (who depended on some Capital Abbies in *Normandy* that received the Profits of them) should be intirely at the King's Disposal: For the House of Commons considered, that, by these Abbies beyond Sea possessing the Lands and Revenues of these Alien Priories, great Sums of Money were carried out of the Nation; and they foresaw that, when the War was begun with *France*, all the Subjects of *England*, who had Lands and Estates in that Kingdom, would be deprived of them: They therefore made this Act to dispossess these foreign Monasteries of these Priories Alien, and to vest them in the King, who, having thus the Power of disposing of them as he pleas'd, soon after, by Letters Patent, dated *June 24*, gave two of them (one of *Paunfeld* in *Essex*, the other of *Wells* in *Norfolk*, which belonged to the Abbey of *St. Stephen's* in *Normandy*) to *John Wodehouse*, Esq; and required from him no other Acknowledgement than to present a Rose to the King yearly on the Feast of *John the Baptist*.

The

^d This Act is not in the Statute-Book, but is mentioned among the Patent-Rolls, 3 Henry V. p. 2. m. 2.

[136]

The Alien Priories vested in the King,

The House of Commons having complained of, the King Henry V. evil Administration of Justice, and undue Government in *Shropshire*, and that by such Negligences more Murders and Robberies were committed there than in any other County of *England*, the King, to remedy these Disorders, sent *Edward Duke of York* into that County, to see such a Grand Jury returned as would effectually inquire into such Outrages, and punish severely all that were guilty of them.

But, notwithstanding the Act against the *Lollards*, it was in this Parliament, at *Leicester*, that the Storm which had long been raising against the Clergy, had like to have broke out to some Purpose, had not the Wit and Policy of *Henry Chicheley*, then Archbishop of *Canterbury*, who succeeded *Arundel*, diverted the Danger. The House of Commons had again put the King in Mind of what had been desired in Parliament four Years before, about converting the Lands and Possessions of the Clergy to the Service of the State.^c Another Attempt of the Commons against the Clergy's Revenues,

' This Bill, says an old staunch Protestant Writer, made the fat Abbots to sweat; the proud Priors to frown; the poor Priors to curse; the silly Nuns to weep; and indeed all her Merchants to fear that *Babel* would down.' For, at this very Time, the Clergy were more apprehensive of their Danger than ever, since they knew not what the active and bold Spirit of a young Prince, agitated by Counsels which had a natural Tendency to increase his own Greatness, might produce against them; and, consequently, they were in a terrible Consternation. They once thought of fixing the King in their Interest, by the voluntary Present of a large Sum of Money; but some of the wiser Bishops considering that such an Appearance of Bribery would be indecent for Persons of their Character, and expose them to the Hatred and Scorn of the People, this Proposal was rejected. And as it had been concluded, in the last Synod at *London*, that the most effectual Course to avert the impending Storm was to find the King some other Business to employ the Vigour of his Courage, which might otherwise prove dangerous to them, iting the King to a War with France, was therefore judged necessary to turn his Thoughts to

[137]

War;

^c *Fabian's Chronicle*, Folio clxxi. See before, p. 114, 115.

^f *Hall's Chronicle*, p. 72.

King Henry V. War, and to flatter his Ambition, by reminding him of the Crown of *France*, descended to him from *Edward II.* one of his Royal Progenitors. By a Representation of the just Right the King had to that Claim, it was hoped his enterprizing Spirit might be stirred up to demand the Crown of *France*, as the undoubted Heir, and, upon Refusal, to attempt the Recovery of it by Arms: And, to make these Counsels more prevalent, they also agreed to make an Offer of a great Sum of Moneys to supply the necessary Expences of the War: Also to give up all the Alien Priories in the Kingdom, to the Number of 110, who were possessed of Lands that would considerably increase the Revenues of the Crown.

These Resolutions were soon after put in Execution; for we are told that, in this very Parliament at *Leicester*, the Archbishop of *Canterbury* rose up, in the House of Lords, and addressed the King in Words to this Purport^g:

The Archbishop
of *Canterbury*'s
Speech in Favour
of the said War,

WE all know, Great Sir, with what Royal Wisdom and Care you have established the Peace and Prosperity of your People, and we all enjoy the Blessings of your excellent Government: But while your Designs and Actions have been directed to our common Good, we have not done any Thing for the Increase of your Empire; and among all the Debates in this Honourable Assembly to make Laws for the Security of the Subjects' Liberties and Privileges, we have neglected to consider how we may advance the Greatness of our King, and in him that of our Country too. Now, since I owe all my Fortune to your Favour, Gratitude, as well as the Duty of a Subject, obliges me to propound what I think may promote the Honour of so gracious a Sovereign, and enlarge his Power. You administer Justice to your People with a noble Equity, you are illustrious in the Arts of a peaceful Government; but the Glory of a great King consists not so much in a Reign of Serenity and Plenty, in great Treasures, in magnificent Palaces, in populous and fair Cities, as in the Enlargement of his Dominions; especially

^g These Speeches, in Parliament, are all printed at Length in *Hall's Chron.* Folio xxxvi, &c. and are but modernized by Mr. *Goodwin*. See also *Nellingshead*, p. 545. *Biandi*, p. 104, &c. *Speed's Chron.* p. 626.

‘ especially when the Assertion of his Right calls him King Henry V.
 ‘ out to War, and Justice, not Ambition, authorizes
 ‘ all his Conquests.

‘ Your Majesty ought to wear the Crown of *France*
 ‘ by a Right descending to you from *Edward II.* your
 ‘ illustrious Predecessor. That valiant King openly
 ‘ challenged his Right by Ambassadors, and when the
 ‘ *French* endeavoured to elude it by a pretended *Salique*
 ‘ Law, he bravely attempted to conquer by Arms what
 ‘ he could not obtain by a just Treaty. You have the
 ‘ same Title to demand that Crown, and the same Rea-
 ‘ sons to make War, upon a Refusal. I doubt not but
 ‘ they will oppose their imaginary *Salique* Law in like
 ‘ Manner against your Claim; but I know very well,
 ‘ that as they contradict themselves in assigning the Ori-
 ‘ ginal of this Law, so if it were granted that there is
 ‘ such a one, yet *France* is not concerned in it. It is
 ‘ in vain to tell us, that it was made by *Pharamond*, the
 ‘ Founder of their Monarchy, as if he could be Founder
 ‘ of a Law which had no Name nor Being till above
 ‘ 400 Years after his Death: For then it was that
 ‘ *Charles* the Great returning from the Conquest of
 ‘ *Saxony*, Part of his Army passed the *Sala*, and seated
 ‘ themselves between that River and the *Elbe*, and from
 ‘ the Name of the former were called *Salique Gauls*.
 ‘ This new Colony detesting the vicious Manners of the
 ‘ *German* Women, made a Law, that none of that Sex
 ‘ should inherit Lands within the Bounds of their little
 ‘ Government. But what is all this to *France*? How
 ‘ will the *French* persuade us, that, by virtue of this Law,
 ‘ the Crown of that Kingdom must not descend to any
 ‘ Daughter of their Kings, if they do not first prove
 ‘ their Country to be situated between those two *German*
 ‘ Rivers? But tho’ all were true which they report of
 ‘ this boasted Law, yet why should they use it as an
 ‘ Argument against the Right of our Kings, when they
 ‘ never made it any Bar in the Succession of their own?
 ‘ *Pepin*, who, by deposing *Childeric III.* mounted the
 ‘ Throne, was acknowledged the next Heir as descend-
 ‘ ed from the Princess *Blithilda*, Daughter of *Clothair I.*
 ‘ and *Hugh Capet*, who usurped the Crown from *Charles*
 ‘ Duke of *Lorrain*, the next Male Heir, to give himself
 ‘ the Colour of a Title, asserted that he sprung from
 ‘ the

King Henry V.

‘ the Princess *Lingarda*, the Daughter of *Charlemaign*;
 ‘ Thus *Lewis IX.* too, whom they honour as a Saint,
 ‘ neglecting the precarious Title of *Hugh Capet*, his
 ‘ Grandfather, could sufficiently satisfy his Conscience
 ‘ and the Nation, by deriving his Right from Queen
 ‘ *Isabella*, his Grandmother, as descended from the
 ‘ Princess *Ermingerde*, Daughter and Heir of *Charles*
 ‘ Duke of *Lorrain*, whom *Hugh Capet* had deprived of
 ‘ his Kingdom and Life. But were it certain that this
 ‘ *Salique* Law had, from the Beginnings of the Monarchy,
 ‘ been established and inviolably observed in *France*;
 ‘ yet what Obligation can a Law have, which is con-
 ‘ trary to the Commands of God, and the Customs of
 ‘ all other Nations, and so offends against all the Rules
 ‘ of Justice and Reason? God declares, That if a Man
 ‘ died without Sons, the Inheritance should descend to
 ‘ the Daughter: And there never was a Law among
 ‘ any People in the World, which excluded the Daugh-
 ‘ ters from the Rights of Children. The *French* alone
 ‘ violate the Statutes of Heaven, and slight all the Laws
 ‘ that are in Force on Earth, that they may devolve the
 ‘ Right of their Crown on whom they please: But it
 ‘ is your undoubted Right, my Sovereign, and all the
 ‘ Powers of *France* will be too weak to oppose your Pos-
 ‘ session, if you do but resolve to vindicate it. Consider
 ‘ therefore the just Title which you have to this Crown,
 ‘ devolved on you by Queen *Isabella*, your Great Grand-
 ‘ mother, Sister and Heir to three successive Kings of
 ‘ *France*, who died without Children, and take up noble
 ‘ Arms to assert so just a Cause! Advance your Standard
 ‘ into *France*, and, with assured Hopes of Victory, march
 ‘ to conquer those Dominions which are your own by
 ‘ Inheritance! There is no true *Englishman* but is ready
 ‘ to devote his Life and Fortune to so glorious a Service
 ‘ of his King: And, in full Persuasion of the Justice of
 ‘ the War, we the Clergy have given such a Sum of
 ‘ Money to maintain it, as was never granted to any of
 ‘ your Predecessors, and will join all our Prayers for the
 ‘ Success of your Arms.’

{ 140 }

When the Archbishop had ended his Speech, and
 the King seemed moved with it, *Nevil* Earl of *West-*
moreland, who was High-Warden of the Marches to-
 wards

wards *Scotland*, apprehending that the Country committed to his Government would be exposed to the Incursions of that Nation, if the King should draw his Forces out of *England* for this Expedition, thus spoke to dissuade the Warⁿ:

‘ Though, said he, I freely acknowledge myself of the same Mind with my Lord the Archbishop, as to the Glory that will be gained in conquering *France*, and the Advantages that may arise from the Acquisition of such a flourishing Kingdom, yet I cannot but advise, that our Arms should be first turned on *Scotland*, that, by subduing that People to the *English* Dominion, the whole Island may be brought under one Government. When all our Strength and Forces shall be united, when there shall be no Enemies to disturb us within the Bounds of this our little World, separated from the other by the Ocean, then will be the proper Time to consider of foreign Conquests, and how we may extend the *English* Empire abroad, which, while we are unsecured at home, we cannot attempt with any reasonable Hopes of Success. It has therefore been the constant Practice of wise Governments, who have prospered in enlarging their Dominions, first to subdue those People which bordered on them, before they advanced their Arms against the more remote. By this Method were the *Assyrian*, *Persian*, and *Grecian* Monarchies raised to such Height of Power, that a great Part of the World was forced to bow to them. Thus the *Romans* established a larger Empire than any of the former; but they would have failed in the Attempt, if they had invaded more distant Nations, before they had subdued their Neighbours: But when, by conquering the *Samnites*, the *Volsci*, the *Fidenates*, and other People around them, they had made themselves intire Masters of all *Italy*, they soon carried their victorious Arms thro’ most Parts of the Earth. But what need I argue from Examples? It is Reason sufficient against a War with *France*, that whenever to invade that Kingdom we shall draw the Strength out of our own, the *Scots*, our antient and inveterate Neighbours, will bring Fire and Sword into the Bowels of our unguarded Country. And, to put this past Question, I

Which is opposed
by the Earl of
Westmoreland;

[141]

King Henry V. ' will only remind you of the old League between that
 ' Nation and *France*, by which, if either of them are
 ' invaded, they are bound mutually to assist one another.
 ' We have found them so punctual to their Agreement
 ' hitherto, that, whenever we have transported our Ar-
 ' mies into *France*, the *Scots* have entered our Country
 ' with dreadful Devastations. If then we must have a
 ' War with either of these People, let it be with *Scot-*
 ' *land*, where all Things promise to us an easier Victory,
 ' their King being an honourable Prisoner in our Court,
 ' and the unseasonable Severity of the Duke of *Albany*,
 ' who governs in his Absence, having thrown that Na-
 ' tion into dismal Convulsions. But to invade *France*,
 ' what a vast Army is necessary; what immense Sums
 ' of Money to raise and pay the Soldiers, and what a
 ' prodigious Fleet to transport them?'

But being sup-
 ported by the
 Duke of *Exeter*,

[142]

The Earl having ended, the Duke of *Exeter*¹, the
 King's Uncle, who having been designed by his Father
 for the Church, had received a learned Education in the
 Universities of *Italy*, thus spoke in Answer:

' If I did not know that the most effectual Course to
 ' destroy any Mischief is to cut off the Root which feeds
 ' it; and if Experience had not taught all of us that
 ' *France* is the Spring which has nourished a perpetual
 ' growing Enmity in the Hearts of the *Scots* against us,
 ' I should advise that the *French* might be the last with
 ' whom we make War. But since they have always
 ' been industrious to render *Scotland* an irreconcilable
 ' Enemy, and to foment in the Minds of that Nation
 ' a fierce Hatred and Desire of Revenge; since they
 ' have on all Occasions stirred them up to invade us,
 ' and by their Assistance have enabled them to do so, it
 ' is certainly the best Counsel, that, by a vigorous War
 ' upon *France*, we should strike at the Head of all these
 ' Mischiefs: For, if that Kingdom be conquered, either
 ' the *Scots* will no more be our Enemies, their Hatred
 ' being no longer kept alive and cherished by the old
 ' Fomenters of it; or if they refuse to incorporate into
 ' one People with us, yet destitute of Succour from that
 ' Nation, they must without any lasting War submit to
 ' our Power. How will they be in a Condition to fight
 ' us,

¹ *Hollingshead, Biondi, &c.* call him so; but he was then only Earl
 of *Dorset*, though created Duke afterwards.

' us, when they shall want Arms to put into their Sol- King *Henry V.*
' diers Hands, or Officers to lead them, all Supplies
' from *France* being cut off? And whither shall they
' have Recourse for Aid, when that People is subdued
' by us? Not to *Denmark*, whose King is Brother-in-
' Law to ours; not to *Portugal* and *Castile*, for the
' Kings of both those Nations are allied to our Sove-
' reign; not to *Italy* at so great a Distance; not to *Ger-*
' *many* or *Hungary*, which are in League with us. Let
' us then begin the War with *France*, since we shall
' conquer two Nations with one Victory; and since a
' rich, fruitful, and pleasant Country will be the Reward
' of the Conqueror. What though the *Scots* may in-
' vade us, when our King with his Army is absent?
' Their Incurfions surely will not be so dangerous, but
' that the Earl of *Westmoreland*, who is Warden of
' the Marches, with a few select Troops, will be able
' not only to make Head against them, but to give them
' a Repulse.'

The Duke's Arguments prevailed with the King and [143]
his Brothers, who being all young and ardent of Glory,
were impatient to signalize their Courage against the
old Enemies of their Country: And the same gallant
Spirit diffusing itself through the Minds of the other
Nobles, they all declared for a War with *France*; War is declared
accordingly.
which being thus resolved on, the Parliament was pro-
rogued to *Westminster*.

In this Parliament the King created his Brothers
John, Duke of *Bedford*; and *Humphrey*, Duke of *Glou-*
cester; and *Richard*, Brother to the Duke of *York*, was
also made Earl of *Cambridge*¹.

We have said that there is no Account of the Proceed-
ings in this former Session of Parliament at *Leicester*,
nor of the Prorogation of it, as above, in the Records;
but a new Parliament, which was called to meet at
Westminster, this same Year, falls in exactly with the
Histories, and goes on regularly with them for the fu-
ture; the Writs bearing Date *September 26*, to be holden
on the *Octaves* of *St. Martin* following at *Westminster*.

It having been our Custom, hitherto, to exhibit a *Anno Regni*, 2.
List of the Temporal Lords, once or twice in a King's 1414.
Reign, At *Westminster*,

¹ *Hall's Chronicle*, Fol. xxxvi. *J. Stowe*, p. 345.

King Henry V. Reign, we shall therefore give the Names of the Peers summoned to this Parliament^m.

T HOMAS Duke of Clarence, and Earl of Albemarle.	Thomas Lord Morley.
John Duke of Bedford, and Earl of Kendale.	Hugh Lord Burnel.
Humphrey Duke of Gloucester, and Earl of Pembroke.	Thomas Lord Berkley, of Berkley.
Edward Duke of York.	John Lord Welles.
Richard Earl of Cambridge.	Ralph Lord Cromwell.
Edward Courtney, Earl of Devonshire.	Ralph Lord Greystock.
Thomas Earl of Arundele.	Thomas Lord Dacre, of Gilsland.
Edmond Earl of March.	Robert Lord Harrington.
Richard Beauchamp, Earl of Warwick.	Robert Lord Willoughby.
Richard de Vere, Earl of Oxford.	John Lord Lovel, of Tichmerish.
Thomas Earl of Salisbury.	Richard Lord Grey, of Cudonore.
John Earl-Marshal.	Reginald Lord Grey, of Ruthyn.
Thomas Earl of Dorset.	Peter Lord Mauley.
Michael de la Pole, Earl of Suffolk.	William Lord Zouch, of Harringworth.
Ralph Nevile, Earl of Westmoreland,	Thomas Lord Camois.
Edward Lord Charlton, of Powis.	William Lord Botreaux.
William Lord Clinton.	John Neuil, Lord Latimer.
Thomas Lord de la War.	Richard Lord Strange.
Henry Lord Scrope, of Masham.	Robert Lord Poynings.
Henry Lord Fitzhugh.	Gilbert Lord Talbot.
William Lord Ferrers, of Groby.	John Lord Clifford.
	John Lord Talbot, of Furnival.
	No Lord-Warden of the Cinque-Ports in this List.

On the 19th of November the Parliament met, and the King being seated on his Throne, in the Painted Chamber of his Palace at *Westminster*, by his Command the Bishop of *Winchester*, his Uncle, and Chancellor

^m Cotten's *Abridgement*, p. 538. Dugdale's *Summons to Parliament*, p. 394.

cellor of *England*, opened the Session by a Speech; *King Henry V.* wherein he declared, 'That his Majesty would that the Church, with all Corporations and Persons, should enjoy their former Liberties: That the King not only endeavoured to govern the Realm wisely, but he was also strengthening himself to recover his due Inheritance, which, though belonging to, yet had been a long Time with-held from, his Crown; which Claim he was resolved to prosecute even unto Death; and for the attempting such a mighty Exploit, great Provision was required.'

Then taking for his Subject, *Dum Tempus habemus operemur bonum*, he inferred from thence, 'That to every natural Disposition two Kinds of Times, or Seasons, were limited; for Instance, as to Trees, one Time of growing, and another Time of blossoming and bearing Fruit; to Man, one Time for Labour, and another for Rest; to Princes, the Heads of Men, a Time for Peace, and another for War. That the King finding his People in great Ease and Peace, had therefore the better Opportunity to attack the Enemy; to which he applied *Dum Tempus*. That, to such an high and noble Enterprize, some Things were absolutely necessary, as good Advice, Obedience of his Subjects, and a chearful Relief from them: That they ought to grant a larger Subsidy, considering that their Prince and only Patron would go in Person against the Enemy, and freely expose his Life to all the Dangers of the War; and concluded with desiring the Commons to chuse a Speaker, and presented him the next Day to the King.' Accordingly they elected *Thomas Chaucer*, Esq; and presented him in the usual Form.

[145]

THOMAS CHAUCER, Esq; elected Speaker.

The Commons then proceeded to consider of the Supplies, and, by the Assent of the Bishops and Lords, granted to the King two whole Tenths and two whole Fifteenths, to be levied on the Laity.

A Supply voted.

It was enacted likewise, 'That the King, by his Council, should have Power to make Ordinances concerning the Coin, which should continue till the next Parliament.'

Henry Percy, Grandson of the late Earl of *Northumberland*, and Son to *Henry Hotspur*, slain at the Battle

King Henry V. of *Shrewsbury*, being now of Age, and a Prisoner in *Scotland*, presented his Declaration to the Parliament; in which he shewed that the King had restored him to the Honour which his Father had forfeited by his Rebellion, and had made him Earl of *Northumberland*; He therefore required a general Restitution to it in Blood, and that he might be restored to all the Hereditaments which were entailed, with free Entry in all of them, reserving to the King the Lands of Fee-simple. The King granted all to him, on Condition that, before his Entry into any of the said Lands, he should, by Matter of Record in Chancery, prove the Lands entailed: And his Majesty appointed Sir *Robert Umfrevile* to treat with the *Scots* about *Percy's* Delivery; who, by the Earl of *Northumberland*, his Grandfather, had been left there as an Hostage. He confirmed also to *John Duke of Bedford*, and to his Heirs Male, the Castle, Earldom, Honour, and Seignjory of *Richmond*, which *Ralph Earl of Westmoreland* held during his Life.

[146]

Acts for the Regulation of Justices of Peace;

In this Parliament it was enacted, ' That such Persons only should be made Justices of Peace, by the Advice of the Chancellor, and of the King's Council, who dwelt in the County in which they were to exercise their Office.'

The Clergy;

That whereas, contrary to the Statute made in the thirty-sixth Year of *Edward III.* forbidding any Parish Priest, or Yearly Priest, to take more than five or six Marks for their Annual Stipend, the Priest refused to serve under Ten Pound, Twelve Marks, or Ten Marks at the least: It was ordained, ' That no Yearly Chaplain should take above seven, nor any Parish Priest, retained to be a Curate, more than eight, but by Licence of the Ordinary, so as the whole Sum exceeded not nine Marks.'

And Juries.

In Consideration of the Abuses that arose from such Persons serving on the Inquest and Jury, as (having nothing to live upon, nor to lose when convicted of Perjury) gave false Verdicts contrary to their Consciences, an Act was made, ' That no Person who had not, in Land or Tenements, forty Shillings yearly, should be admitted on an Inquest upon Trial of Life and Death, nor on any other Inquest, in Pleas Real or Personal, of which the Debt and Damages declared amounted to forty

‘ forty Marks; but, upon the Parties concerned chal- King Henry V.
 ‘ lenging him, should be rejected.’

By Authority of this Parliament, *Richard*, who was Son and Heir to the Earl of *Cambridge*, beheaded at *Southampton* for High-Treason the Year before, was restored to Blood, and created Duke of *York*. This Prince was the sole Heir to the House of that Name, and some Time after married *Cicily*, Daughter to the Earl of *Westmoreland*, by whom he had *Henry*, who died young; *Edward*, afterwards King; *Edmund*, Earl of *Rutland*; *Anne*, Duchess of *Exeter*; *Elizabeth*, Duchess of *Suffolk*; *George*, Duke of *Clarence*; *Richard*, Duke of *Gloucester*, afterwards King; and *Margaret*, Duchess of *Burgundy*^b.

Richard, Son to the Earl of *Cambridge*, restored.

The King had been sufficiently moved with the Reasons given in the Parliament at *Leicester* for making his Claim to the Crown of *France*, and his great Courage and Spirit now spurred him on to attempt the Conquest of that Kingdom, if his Demands were not accepted. The Subsidies granted, by the Clergy and Laity, to enable the King to begin this great Enterprize, amounted, in the whole, to a very large Sum; and, if we may believe an old Historian, to no less than three hundred thousand Marks *Sterling*. By which Means great Levies of Men were made, successfully, in all Parts of the Kingdom.

[147]

But, to gain a more specious Pretence for War, it was necessary first to offer Peace; tho’ upon such Terms as *Henry* knew well enough would not be accepted. There had been, some Time before, a Treaty of Marriage set on Foot between this young Monarch and the Princess of *France*, who is said to have been a Paragon of Beauty; but now *Henry* much enlarged his Demands with the Princess; and, by his Ambassadors to the Court of *France*, insisted on a Restitution of all those Provinces which his Predecessors had ever enjoyed in that Kingdom. How desirous soever the *French* Court was of an Alliance with *England*, and marrying their Princess to a young and potent King, yet the restoring these Provinces was a very disagreeable Article, and could never be reconciled to their Politics.

K 2

Accord-

^b *Fabian's Chron.* Fol. clxxiv.

King Henry V. Accordingly all Treaties of Peace were broke off upon it, and the King of *England* made mighty Preparations, both by Sea and Land, to invade *France*, and assert his Right to that Kingdom by the *Ratio ultima Regum*. He set Sail from *Southampton*, August 13, 1415, and landed the next Day near *Harfleur*, in *Normandy*.

The French War prosecuted with great Vigour.
Anno Regni 3. In the King's Absence John Duke of Bedford, his Brother, and whom he had left Regent, called a Parliament to meet at *Westminster*, on Monday next after St. Luke's Day; but it was prorogued to the Monday after the Feast of All-Saints, in the third Year of this Reign^a. At which Time, being all assembled in the Painted-Chamber at *Westminster* before the Regent, the Bishop of *Winchester*, the King's Uncle, and still Chancellor of *England*, opened the Cause of the Summons to be, 'For the Honour of the King, who himself highly honour'd God Almighty and his Holy Church, and willed that it should enjoy all its Rights, Liberties, and Franchises granted by his Noble Progenitors; the same also to all Cities, Boroughs, &c.

'That this Parliament was called for two Causes; first, For the good Government of the Realm in the King's Absence; and the other, To provide a good and sufficient Aid for the Furtherance of the King's Enterprizes in *France*, for the Recovery of his Rights in that Kingdom.' Then the Orator took for his Subject to proceed on, these Words; *Sicut et ipse fecit nobis ita et nos ei faciamus*: Upon which he observed; first, on good Government he declared, 'That the King, ever since his Coronation, had laboured for the Ease, Surety, and Tranquillity of all his Subjects, as was very well known; and, as the Wise Man says, *Sine Justitia non regitur Respublica, et inclinavit Cor suum ad faciendum Justificationes tuas*; and therefore, for the Intention abovesaid, *Sicut et ipse nobis*, &c. that after the frequent Requisitions the King had made to his Adversary of *France*, by the Way of Peace, and for the avoiding the Effusion of Christian Blood, of his Rights in that Kingdom, and no Restitution could be had but by Force of Arms, he set aside all Delicacies, Ease, and Security of his

^a The Summons and Prorogation of this Parliament are only given in the *Abridgement* of the *Records*, not one Word of the Proceedings of it. This is taken from the *Rolls*. *Res. Parl.* 3 Hen. V. p. 2.

his Person, and adventured himself in the Enterprize ; King Henry V. wholly trusting in the Justice of his Cause and in God, according to another Saying of the Wise Man, *Gerta pro Justitia et Dominus pugnabit pro te.*

The Chancellor next recited to them the Manner of the King's happy Passage over Sea, and his landing near the Town of *Harfleur*, in *France* ; and, notwithstanding it was the strongest in those Parts, after a short Siege, with little or no Loss on his Side, it was taken. And albeit the King was obliged to put a strong Garrison into that Place, and that his Army was reduced by Sicknes, and by sending back many to *England* for the Recovery of their Health, the King marched the Remainder through the Heart of *France* towards *Calais* ; but was met by the Way with the whole Power of his Enemies ; and notwithstanding their great Superiority of Numbers, in Comparison of his own poor Few, they were all discomfited, taken Prisoners, or slain, without any great Loss of the *English*.

The Victory at Agincourt declared in Parliament.

The Chancellor added, ' That, after this glorious and wonderful Victory, the King brought his Army and Prisoners safe to *Calais* ; to the Praise and Glory of God, and to the greatest Honour and Profit that this Nation ever received in so little a Time. Therefore, he concluded, it was their Business in Parliament to provide for the carrying on of a War, so happily begun by the King, that they might verify his Text, which said. *Sicut et ipse fecit nobis, ita et nos ei faciamus.*'

The Receivers and Triers of Petitions being appointed, as usual, the next Day the Commons appeared again before the Regent in Parliament, and presented Sir Richard Redmaine for their Speaker ; who, after the usual Protestation made, was confirmed in that Office.

Sir RICHARD REDMAINE. Speaker.

On the 12th Day of *November*, the Commons, with the Assent of the Lords Spiritual and Temporal, granted the King the former Subsidy on Woolls, Leather, and Skins, with the same Tonnage and Poundage as in the last Parliament, to hold during his Life, and to be disposed of at his own Will and Discretion ; with this Proviso, That this Grant should not be made an Example of by any other King of *England* in Time to come.

A large Subsidy.

King Henry V.

come. At the same Instant they also granted the King one entire Fifteenth and one Tenth, to be levied on the Laity in Manner accustomed.—These extraordinary Grants were ushered in with many high-flown Expressions and Congratulations to the King on the great Valour and Conduct he had shewn, and his wonderful Success in all his Enterprizes.

Any common Reader of *English* History may remember that, before the King embarked from *Southampton* for *France*, *Richard* Earl of *Cambridge*, *Henry* Lord *Scrope*, and *Sir Thomas Gray*, were arrested for High Treason, tried, convicted, and beheaded at the same Place. This Parliament confirmed the Sentence and Execution of the aforesaid Lords, and the whole Proceedings against them are inrolled in their Journals; whereby all their Possessions whatsoever are declared to be forfeited to the King.—These Records are well worth the Inspection of any particular Writer of this King's Life, or a more general Historian, in order to illustrate, if possible, the only dark Passage of this Reign.

The Sentence
against the Lords
at *Southampton*
confirmed by
Parliament.

The rest of the Proceedings of this Parliament turn chiefly on private Affairs, and are nothing to our Purpose, except we mention the last, by which it was enacted, on a Petition of the Commons, That a Sort of Money, then called *Galley Half-Pence*, should be entirely suppressed and rendered of no Value; and all such wherever found should be forfeited to the King. Also that the Money called *Seskin* and *Dodekin*, and all Manner of *Scots* Silver Moneys, should be outed, and not go in any Payment whatsoever; and that Proclamation should be made accordingly in all the Counties, &c. in *England*.

Several Sorts of
Coin suppressed.

How long this Parliament sat is uncertain from the Record; but it could not be long, for the King returned into *England* the latter End of *November* this Year, and made his triumphant Entry into *London* a few Days after, bringing with him his Prisoners and other Trophies of his Victory, where he must have been a welcome and a gallant Sight to the Citizens. It is observable that, in the two last Summons to Parliament, there are not twenty Peers named to whom Writs were sent for that Purpose; the rest we may well suppose were then gathering Laurels with their heroic Sovereign in *France*.

It

It was some Time after the King's Return before other King Henry V. Writs were sent out to call a new Parliament, which were dated the 21st of January, and were returnable the 16th of March following.

On which Day the whole Assembly being met at Westminster, the King, sitting in his Royal Throne, in the Painted Chamber of the Palace, commanded the Bishop of Winchester, still Lord-Chancellor, to open the Cause of the Summons; who, in the Presence of the Three Estates of the Realm, first made the usual Declaration, That it was the King's Royal Will and Pleasure that the Church, and all other Persons and Corporations, should enjoy their Liberties, and then took for his Text *Initiavit Vobis Viam*. Anno Regni 3. 1415. At Westminster. [148]

In discoursing on which he endeavoured to demonstrate, ' That a Thing well begun, and continued with Diligence, must have a prosperous Event, according to the Saying,

Dimidium Facti, qui bene cæpit habet.

' This he applied to the King's Successes, who had made so glorious a Beginning, by invading France to recover his Right, and an Inheritance derived from his Ancestors. He put them in Mind of his late gallant Enterprize, in a continued Course of Victory, by the Conquest of Harfleur, and the Defeat of the French, in a general Battle at Agincourt: That, it being only peculiar to divine Wisdom to foresee the End and Event of all Things, he entirely referred that to God, with great Hope of Success from so prosperous a Beginning; which, that the King might be enabled to obtain, he had called this Parliament for their good Counsel and Assistance.'

The Commons, retiring to the House assigned them, Sir WALTER which was then called *le Froitour*, within the Abbey of BEAUCHAMP Westminister, chose Sir Walter Beauchamp, Knight, for chosen Speaker. their Speaker; who, being allowed, they next, with the Assent of the Bishops and Lords, appointed that the Tenth and Fifteenth, granted last Parliament, should be paid sooner than was ordered. By the same Authority it was enacted, ' That, considering the long Vacancy in the Popedom, and the damnable Schism between [149]

King Henry V. 'tween the two Popes, all Bishops Elect, and other
' Persons, should be confirmed by their own Metropo-
' litans, upon the King's Writ, without farther Excuse
' or Delay.'

On the 8th of *April* the King prorogued the Parlia-
ment to *Monday* in the third Week after *Easter*; when,
being again assembled, the Chancellor told them, The
Reason of the said Adjournment was not only on
Occasion of the devout Time, but that an honourable
Peace had been offered by the *French*, and that the Em-
peror *Sigismund*^a was come into *England* to be the Me-
diator in it; in which the Commons were desired to
give their Advice. But, though this is here mentioned
in the Records, they give us no farther Account about
it. The other Transactions of this Parliament are all
on less public Affairs, no new Subsidy being either ask-
ed or granted; which might have been owing to the
great Riches the King had acquired, either by the vast
Plunder at *Agincourt*, or the Ransom of Prisoners.

The following are the most remarkable Petitions in
this Parliament:

Petitions of the
Commons.

Petition. ' That all Sheriffs, for the Fees of Knights
' coming to the Parliament, might enter into all Li-
' berties, except the Demesnes of all Lords, and such
' Towns as find Burgessees.

Answer. *The Statute made 12 Richard II. should be kept.*

Pet. ' That all Sheriffs might be discharged in the
' Exchequer upon their Oaths.

Ans. *The King will be advised.*

Pet. ' That all Owners of Ships, during the Time
' of their being in the King's Service, might have three
' Shillings and four Pence in the Ton above the ordi-
' nary Freight.

Ans. *The King would do according to Reason.*

Pet. ' That all Men might go to the Parts of *Iceland*
' to fish freely, as they used to do.

Ans. *The King will take Advice.*

Pet. ' That all the Ordinaries through the Kingdom
' might, by an assigned Day, inquire, and certify in-
' to Chancery, the Foundations of Hospitals, with all
' Circum-

^a He is stiled, in the Record, *Le tres-honorable Prince le Roy de Romaine.*

‘Circumstances, that Redress might be made in this King Henry V. Business.

Ans. *The Statute made at Leicester, 2 Henry V. shall be observed.*

Pet. ‘That the King’s Purveyors do take eight Bushels of Corn only to the Quarter, strik’d; and that they take up no Provision in the Market, without the Good-will of the Party, and ready Pay.

Ans. *The Statutes made for that Purpose shall be kept.*

Pet. ‘That some Remedy might be found for the Relief of the poor Clergy, much wasted, because the Universities swarmed with new Learning, by reason of the Statute of Provisors, which caused the old Faith to be neglected.’

Ans. *At the King’s Motion, the Bishops promised to provide a Remedy for this Business.*

Pet. ‘That the Penalty of suffering any Prisoner to escape, who was guilty of counterfeiting, washing, or clipping Money, might be 100 l.

Ans. *The Penalty shall be arbitrary, as before.*

Pet. ‘That all Writs of Subpœna, and Certis de Causis, going out of the Chancery and Exchequer, might be controlled, and not granted in Matters determinable at the Common Law, on Penalty of the Plaintiff’s paying 40 l. by way of Debt to the Defendant.

Ans. ‘*The King will be advised.*

It was also enacted in this Parliament, ‘That whereas several Bretons were come into the Kingdom, either as Spies, or to carry Money and Jewels out of the Nation, all of them not naturalized, were, by Act of Parliament, required to go out of the Land, before the 24th of June ensuing, upon capital Penalty.’ This was because the Duke of Bretagne was confederate with the King of France.

And whereas Provisions of Benefices from the Pope had been made Use of, to exclude from the said Benefices the Incumbents who, by the Gift of the Patron, had long enjoyed them; it was therefore ordained by another Act, ‘That no Incumbents should be molested under Pretence of any such Provisions of the Pope; that whoever disquieted them, should incur the Penalties contained in the Statutes of Provisors before made; and that they should be prosecuted by Process of

‘*Præ-*

King Henry V. ' *Præmunire facias* formed against them ; and that the
' Person who sued them should recover treble Damages.'

Another Act passed, to make Clipping, Washing, and Filing of Money, Treason : And whereas, (by reason that it belonged only to the King's Justices before himself, or by special Commission assigned, to judge and punish this Crime) it was so boldly and generally practised, that the Destruction of all the Coin was unavoidable, if hasty Execution and Remedy were not provided ; it was therefore enacted in another Statute, ' That the Justices assigned to take Assizes, in all the ' Counties of *England*, should have Power, by the King's ' Commissions, to hear, and determine in their Sessions, ' all such Causes concerning the debasing or falsifying ' the Coin of the Nation.' And whereas, contrary to the Custom in the Days of *Edward III.* when no more than Half a Crown, or a Crown at the most, was paid for proving a Will, the Ordinaries did now take forty or fifty Shillings : It was therefore ordained by another Act, ' That no Ordinary should take above that old customary ' Rate for the Probate of any Testament, upon Penalty ' of forfeiting to the aggrieved Person treble the Sum so ' received.' This Statute was to stand in Force only to the End of the following Year.

These Acts being passed, and *Henry*, the Grandson of *Henry Percy*, Earl of *Northumberland*, who had so long been an Exile in *Scotland*^a, and who, in the Parliament held at *Westminster*, in the second Year of this King's Reign, had been restored to his Honours and Lands, having now, in the House of Lords, done Homage to the King sitting in his Chair of State, this Session ended.

Strong Applications were now made, by Means of the Emperor and others, for a firm Peace between the two Nations ; but that not succeeding, a Truce was concluded on to last only till *Candlemas*, and the King went to *Calais*, in order to meet the *French* Ambassadors and confirm it. He sailed from *Sandwich*, September 4, 1416 ; but, the Day before, the King signed Writs for calling a new Parliament, dated at *Sandwich*,

^a It appears by the Records that he had been left there by his Grandfather, as an Hostage, on some Agreement made between the Scots King and him.

wich, September 3, to meet at *Westminster* on the 19th King Henry V. of October following; before which Time the King returned back to *England*.

On the Day of the Meeting the Bishop of *Winchester* open'd the Session with the usual Formalities; and, after quoting for his Theme this *Latin* Sentence, *Operam detis ut quieti sitis*, he alledged, ' That as God ' had in six Days created all the World, and rested the ' seventh; so the King, agreeable to his Coronation ' Oath, had, in five former Parliaments, endeavour'd ' to establish good Laws for just Administration at Home, ' and the securing of an honourable Peace Abroad: ' But that the *French* were so little inclined to comply ' with the reasonable Terms offer'd them, that they refused to render the few *English* Prisoners they had taken ' at the Battle of *Agincourt*, or to ransom their own: ' That the King, provok'd at the obstinate Injustice of ' an Enemy, who resolv'd not to do him Right in any ' Thing, was constrain'd to attempt the Recovery of ' his own by Force of Arms. And since, said he, this ' is his Majesty's just Resolution, and that there is, indeed, no other Way to bring his Enemy to Reason, ' *Bella faciamus ut Pacem habeamus, quia Finis Belli Pax est*, he is determin'd to use Violence, and pursue that Peace with the Sword, which is not to be ' otherwise obtained.' He concluded with telling them, that the King intend'd to make use of their Counsel, and required them to chuse and present their Speaker to him.

On the third Day of the Session the Commons presented *Roger Flower*, Esq; who was accepted; and, to shew their great Zeal for the Cause the King was engaged in, with the Consent of the Lords, they granted two whole Tenths and two Fifteenths, to be levied on the Laity; the Clergy also granted two Tenths on their own Body. But all this being not sufficient, or thought too dilatory for the King's pressing Occasions, at the same Time it was enacted, ' That all Persons ' who would lend any Sums of Money to the King, ' should have Letters Patent to be paid out of the first ' Money rais'd by the Subsidy granted by this Parliament; ' and the Dukes of *Clarence*, *Bedford*, and *Gloucester* stood engaged for the Performance of this, in Case the

[152]

Anno Regni 4.
1416.

At Westminster.

ROGER FLOWER,
Esq; elected
Speaker.

[153]

King *Henry V.* the King should die : Upon which many of the Bishops and Lords, whose Names are in the Parliament Rolls, readily subscribed ; yet all was still so deficient, that the King was necessitated to pawn the Crown to *Henry Beaufort*, Bishop of *Winchester*, for a vast Sum, and to borrow a thousand Marks of the Lord Mayor of *London*, upon the Security of many rich Jewels ^d.

The Crown and King's Jewels pawned for carrying on the War against France.

An Act for a general Pardon, and several others, passed.

At this Time his Majesty was pleased to grant a general Pardon for all Crimes which did not concern Life, or Loss of Members.

An Act was also passed, ' That all Sheriffs should have Allowance upon their Accounts by Oath.' This had been petitioned for by the Commons in the former Session.

Also, whereas, by an Act made 12 *Richard II.* certain Rates of annual Wages for Bailiffs and other Servants of Husbandry were settled, and a Penalty ordained for any who gave or took more ; by an Act now it was established, ' That the Taker only should incur this Penalty.'

Another Act ordain'd, ' That none of the *Irish* Nation should be elected an Archbishop, Bishop, Abbot, or Prior ; and that whoever promoted such to those Ecclesiastical Preferments, or brought any such *Irish* Rebels to Parliaments, Councils, and other Assemblies among the *English*, should have all their Temporal Estates seized into the King's Hands, till they had paid the Fines due for such Offences.'

There was also an Act of Pardon, by which all Forfeitures, Fines, Debts and Demands, not exceeding Twenty-six Shillings and Eight-pence, were remitted, and all Trespasses, Offences, Conspiracies, &c. pardon'd.

Besides these, and some other less remarkable Acts, the League and Alliance between the King and the Emperor *Sigismund*, was confirmed by the whole Assent.

And

^d *Henry Beaufort*, Bishop of *Winchester*, on his own Account, lent the King 20,000 *l.*

^e This Emperor came over to *England*, and employed his best Endeavours to mediate a Peace between the Crowns of *England* and *France* ; but they all proved ineffectual, and all he could do was to settle a lasting Peace, on several Articles, between himself and the Crown of *England*. There is an Instrument in the *Public Acts*, under this Title, and refers to the next Parliament : *Alligantia cum Rege Romanorum, pro Forma Tractatus inde habitæ, Confirmatio in Parlamento.* Dat. Viceffimo nono Die Octubris Reg. 4to. Fæd. Ang. Tom. IX. p. 403.

And, on the last Day of the Session, *November 18*, the King Henry V. King sitting on his Throne in full Parliament, created *Thomas Beaufort*, who was Earl of *Dorset*, Duke of *Exeter*, who had also a thousand Pounds confirmed to him, to be paid yearly out of the Exchequer, and forty Pounds out of the Customs at *Exeter*. The Lords so approved of this Example of the King's Liberality, that they said no Objection could be made, but only that it was too little, and not proportionable to the Merits and Services of that Noble Person^f.

In this Session Sir *John Tiptot*, who had so much distinguished himself as Speaker of the House of Commons in the last Reign, was appointed the King's Resident at the Imperial Court.

Henry, by the Assistance of his Parliament, having again raised Money for the Support of the War, and resolving to invade *France* early next Spring, great Levies of Men were made for that Purpose. He caused Proclamation to be made, that all Soldiers, who would serve him in his Wars, should have twenty-five Crowns a Month; and invited them to partake in his Conquests, which, in all Appearance, would this Year be very considerable. Other Means he took to render his Army formidable; but it was not till *July*, 1417, that he could get all ready to embark, and he landed his Army at *Beville*, in *Normandy*, a few Days after, in spite of all Opposition.

John Duke of Bedford, the King's Brother, was left An Invasion of the Scots defeated. Regent during his Absence; and, whilst this victorious Monarch was gaining many Victories and Towns in *France*, the *Scots* thought proper to invade the *English* Borders; but, by the Conduct of the Regent, they were soon driven back again with Shame and Loss. After the Nation was thus delivered from the Dangers of this Invasion, the Duke Regent thought proper to call a Parliament, the Writs bearing Date *October 5*, and to sit the 16th of *November* following, at *Westminster*.

[155]

At which Time and Place being assembled, in the Anno Regni 5. 1417. Painted Chamber, before the Regent, *Thomas Langley*, Bishop of *Durham*, then Lord-Chancellor, declared At Westminster. the

^f He was Son to the Duke of *Exeter*, beheaded at *Chester* for a Plot in the last Reign.

King Henry V.

the Cause of their Meeting, and took for his Theme *Confortamini et viriliter agite, et gloriosi eritis.* 'On which Words he took Occasion to expatiate, and to set forth their Happiness and Glory in the Reign of a King, who, during his Father's Life, had suppressed the Rebellion of the *Welsh*; and, since he came to the Crown, had defeated the dangerous Conspiracies formed against the Church, and against his own Person and Government: Who had been so prosperous in War by the Conquest of *Harfleur*, and the Victory at *Agincourt*, and who now, with continued Successes, was subduing *Normandy* to the *English* Dominion. That the chief Causes of their Meeting were to provide for the keeping of the Peace at Home, and due Observation of the Laws; to make Provision for the Support of the War, and to take Care for the Defence of the Marches of *Scotland*. That in all these Things it would become them, *viriliter agere*, to act strenuously; which, if they did, he then assured them of Honour and Glory; considering, *Renumerationis Virtutum est Honor.*' He concluded, as usual, with desiring the Commons to chuse their Speaker, and present him next Day to the Duke Regent. Accordingly, on the third Day of their Sitting, *Roger Flower*, Esq; was again elected; who, with the common Protestation, was allowed: And, as a Testimony of their hearty Attachment to the King's Interest, and Zeal for the War, on the 17th Day of *December* the Commons, with the Assent of the Bishops and Lords, granted to his Majesty two full Tenths and Fifteenths².

ROGER FLOWER,
Esq; again chosen
Speaker.

A Subsidy
granted.

[156]

We shall conclude the Transactions of this Parliament with an Affair of an extraordinary Nature, which came before the Lords; and first give what the Record relates about it.

Proceedings
against Sir John
Oldcastle, Lord
Cobham.

'On *Tuesday* the eighteenth of *December*, and the twenty-ninth Day of this Parliament, Sir *John Oldcastle*, of *Cowling*, in the County of *Kent*, Knight, being outlawed upon Treason in the King's Bench, and excommunicated by the Archbishop of *Canterbury*, for Heresies, was brought before the Lords; and, having

² Sed Pecunia imprimis imperatur, quo Sumptus in Copias suo Tempore fiant; nempe nullus erat, cui id Bellum none maxime Cordi esset, videreturque tam utile quam opportunum. Pol. Verg. Lib. XXII. p. 449.

‘ having heard his said Conviction, answered nothing King Henry V.
 ‘ thereto in Excuse: Upon which Record and Process
 ‘ it was adjudged, That he should be taken as a Traitor
 ‘ to the King and Realm; that he should be carried to
 ‘ the Tower of *London*, and from thence drawn through
 ‘ *London* to the new Gallows in *St. Giles’s*, without
 ‘ *Temple-Bar*, and there to be hanged, and burnt hang-
 ‘ ing.’ The Record out of the King’s Bench is at
 large; the Effect whereof is, ‘ That the said Sir *John*
 ‘ *Oldcastle*, and others, to the Number of 20,000 Men,
 ‘ called *Lollards*, at *St. Giles’s* aforesaid, did conspire to
 ‘ subvert the State of the Clergy, to kill the King, his
 ‘ Brothers, and other Nobles.’ The Archbishop of *Can-*
terbury’s Instrument for his Excommunication is there
 also at large.

A Motion being made, that the Lord *Powis* might
 have the Thanks of the House, and the Reward in
 the Proclamation mentioned, for apprehending of Sir
John Oldcastle, Knight, the Heretic, it passed in the
 Affirmative. ‘ *Quid vultis mihi dare?*’ cries out *Wil-*
liam Prynne at this Passage, ‘ The Brother of *Judas*
 ‘ craveth his Reward for betraying the Innocent; where-
 ‘ in it is not to be doubted but that his lighter Reward
 ‘ in this World was heavily revenged of God^b.’

He adds, ‘ The Clergy, at this their own Parliament,
 ‘ cease not to rage and roar after Christian Blood,
 ‘ *tanquam Leones rugientes*; and whosoever did the
 ‘ Fault, they cry *crucify Christ*, and deliver us *Barra-*
 ‘ *bas*; for now all horrible Mischiefs whatsoever were
 ‘ imputed to the poor *Lollards*.’

What we have more to add, relating to the Con-
 demnation of this great Man, by his Peers, is chiefly
 from *Walsingham*; who, though a contemporary Histo-
 rian, yet being a Monastic Writer, we may well suppose
 him

^b Cotton’s *Abridgement*, p. 553. Mr. *Goodwin*, the Writer of *Henry*
 the Fifth’s Life and Reign, in the Recital of the Contents of his Fourth
 Book, p. 150, mentions the Trial of Sir *John Oldcastle*, Lord *Cobbam*, in
 Parliament, as an Article; but gives not one Word of it in the Chapter.

The Price set on *Oldcastle’s* Head, by the King’s Proclamation, was
 1000 Marks; with a Promise of perpetual Exemption from Taxes to any
 Town that should secure him. *Fæd. Ang. Tom. IX. p. 89.*

Walsingham makes use of this Proclamation as an Instance to shew how
 generally *Wickliffe’s* Doctrine had affected the Minds of the People. that
 in so long Time there was not found any Man whom so great a Reward
 could tempt to betray him,

King Henry V. him as partial in the Recital as Mr. *Prynne*¹. He says that,

When the Parliament was informed of Sir *John Oldcastle*'s being taken in *Wales* by the Lord *Powis*, they ordered him to be sent for up. He was brought to *London* in a Horse-Litter, having been much wounded in the Conflict, and placed before the Duke Regent and the other Estates of the Realm; and the Indictment drawn up against him at the King's Bench, some Years before, for levying War against the King, was read in the House. Being demanded what he could alledge in Arrest of Judgment, he ran out into a Discourse very foreign to the Purpose, about God's Mercies; and that all mortal Men, who would be Followers of God, ought to prefer Mercy above Judgment; and that Vengeance pertained only to the Lord, and that his Servants ought not to intrench upon this Prerogative of the Almighty. Thus he went on, says our Authority, talking widely from the Business, till, at last, the Chief Justice desired the Regent to order the Prisoner not to make them lose any more Time, but to answer directly to the Point. After some Pause, he told them, it was a small Thing for him to be judged by them, or of Man's Judgment; and then began again to ramble from the Question, when the Chief Justice once more interrupted him, and bid him answer peremptorily, if he had any Thing to object against the Legality of the Process. To this he replied, with a surprising Boldness, 'That he had no Judge amongst them, nor could acknowledge them as Judges, as long as his Sovereign Lord King *Richard* was living in *Scotland*.' Upon this Answer a Warrant was instantly signed for his Execution, and he was ordered to be hanged and burnt. The first Part of his Sentence was for Treason, and the other for Heresy. Accordingly he was executed on a Gallows, built on purpose in *St. Giles's Fields*, being hung by the Neck in a Chain of Iron, and his Body, with the Gallows, consumed to Ashes.

Though this unhappy Nobleman's Paternal Name was *Oldcastle*, yet, by marrying the Lady *Jean*, Grand-Daughter to *John Lord Cobham*, and his Heir, he took the Title of Lord *Cobham*. He was Sheriff of *Herefordshire*,

¹ *Walsingham Hypodig. Neust.* p. 590. See also *J. Stowe's Chron.* p. 355.

fordshire, in the eighth Year of *Henry IV.* and, as a ^{King} *Henry V.* Peer, had Summons to Parliament among the Barons in the ^a eleventh, twelfth, and thirteenth of that King's Reign, and in the first Year of *Henry V.* He had been honoured by *Henry IV.* with a considerable Command in those Troops, which, in the twelfth Year of his Reign, was sent over to assist the Duke of *Burgundy* against the Duke of *Orleans*.

In several Parliaments ^b he had frequently represented to three Kings successively, *viz. Richard II. Henry IV. and Henry V.* the insufferable Abuses committed by the Clergy.

In 1391 he made a Speech in Parliament against the Pope's Power, and against the Removal of Causes to *Rome* to be tried there; upon which an Act passed, 'That no Person should transfer his Suit to the Pope, nor publish any Excommunications from him, on Penalty of Confiscation of Goods, and perpetual Imprisonment.'

In 1395, and in 1405, he presented to the Parliament several Discourses, concerning a Reformation of Discipline and Manners in the Church.

In 1395 he presented a Book of his own Composure to the Parliament, in which he displayed the corrupt Manners of the Priests, and annexed some Verses to expose their abominable Practices, and to excite the Justice of the Magistrates to punish them.

[159]

Many are the Disputes, between the Protestant and Popish Writers, about the Character of this Nobleman, who was the first Peer of *England* that suffered for Religion. The former crying him up as a Martyr to Truth; and the latter treating him with no better Titles than an Enthusiast, a Rebel, and an Heretic. Mr. *Goodwin* says, 'He had all the Qualities of a brave and gallant Gentleman, and was equally illustrious in Arts and Arms:' But, if what *Walsingham* relates of his Behaviour at his Execution be true, that when many Persons of Quality attended there, the last Words he spoke was to Sir *Thomas Erpingham*, adjuring him, *That if he saw him rise from the Dead again on the third*

VOL. II.

L

Day,

^a *Dugdale's Summons to Parliament*, p. 381, 3. 5. 9.

^b *Baleus de Script. Britan.*

^c *Foxe's Acts and Monuments*, p. 749 to 774. *State Trials*, Vol. I. *Collier's Ecc. Hist.* p. 647, &c.

King Henry V. Day, he would procure that his *Señt* might live in Peace and Quietness^d, we can look upon him, in this latter Part of his Life, as little better than a mad Enthusiast.

In this Session the Letters Patent made for the Bishop of *Winchester*, for 21,000 Marks, to be levied out of the Customs of all Staple Wares sent from *Southampton*, to satisfy the Sum which he had lent the King for the War, were confirmed by this Parliament.

A grievous Complaint being made of Insurrections, of which the *Lollards* were suspected to be the Authors and Abettors, and a Petition being presented that Commission at all Times might be granted to inquire after them; Answer was given, 'That the Statutes provided 'in that Case should be executed.'

There was also a Motion offered, that no Collector for the Clergy should be appointed out of his Deanery: To which this Answer was returned, 'That the Clergy 'should appoint their Collectors.'

[160]

The King's
great Success in
France.

The next Year was wholly taken up with the gallant Actions and Conquests in *Normandy* and *France*, performed by our young *English Alexander*, and concluded with the taking of the large and strong City of *Roan*, the Capital of *Normandy*; after which the rest of the Towns, yet untaken in that Province, easily submitted themselves to the victorious King. It was not till the Year 1419 that we meet with another Parliament, called in *England*, by the same Authority as the former; for Writs of Summons were issued out, in the Regent's Name, dated *Aug. 24*, for a Parliament to meet at *Westminster* on the 16th of *October* following.

Anno Regni 7.
1419.

At *Westminster*.

On the same Day the Bishop of *Durham*, Lord-Chancellor, declared the Cause of the Summons, before the Regent and the other Estates of the Kingdom, and said, 'That the King's Subjects had great Reason to 'revere him, and pray for his Welfare; since, as he 'could not obtain that Peace which he so often sought 'for, he had begun and carried on War *Timore Dei*; 'which, being *Principium Sapientiæ*, the Effects of it 'were evidently shewn by the many Victories he had 'gained with Honour:' All which he took Care particularly

^d *Adjurans eum, ut si cerneret eum resurgere Die tertia, Pacem procuraret Señtæ suæ.* Walsingham, p. 400.

ticularly to enumerate. For his Theme he took these King Henry V.
 Words, *Bonum facientes non deficiamus*; and from
 thence told them, 'That his Majesty was in good
 ' Health and Spirits; that he desired his Subjects would
 ' be careful to observe the Laws, and provide for the
 ' Defence of the Realm; and, considering that this
 ' Enterprize, so well begun, could not be now left off
 ' without imminent Danger, he expected new Provi-
 ' sions to be made, that he might end the War to his
 ' own Honour and their Advantage.'

After the Receivers and Triers of Petitions, for
England, Ireland, Wales, and Scotland, with Gascoigny,
 and the other foreign Dominions, were appointed, the
 Commons presented *Roger Flower, Esq;* once more, ROGER FLOWER,
 Esq; a third
 Time chosen
 Speaker.
 as their Speaker; and, on the 13th of *November*, they,
 with the Bishops and Lords, granted to his Majesty
 one full Fifteenth and one Tenth, and one Third of ano-
 ther Tenth and a Fifteenth. A Subsidy.

But because it would be long before Money could be
 gathered from this Subsidy, and the King having great
 Occasion for a present Supply, another Loan was set on
 Foot, to be paid on the same Security as the last; that
 is, out of the Moneys arising from the Subsidies now
 granted. We do not find that any of the Commons
 came in to either of these Loans; it is probable they
 were not rich enough in those Days; there were thirty
 Lords subscribed to it, amongst which we observe there
 were only seven Lay Lords, the rest were all Bishops or
 Abbots, with the Prior of *Coventry*; but it is not there
 specified what Sums they each subscribed.

[161]

It was also enacted, 'That the Lords of the Council
 ' should have Power to establish Orders touching the
 ' Coin.'

And, for the keeping the Money within the Nation,
 it was enacted, 'That all Necessaries should be bought
 ' at home for the King's Soldiers, and sent to them; and
 ' also that certain Woolls should be bought, and sent in-
 ' to *Normandy* to sell there, notwithstanding any Statute
 ' for the Staple made to the contrary.'

The Queen Dowager's Confessor having accused her
 for conspiring the Death of the King, it was ordained,
 ' That all her Lands and Goods, with those of *Roger*
 ' *Colles* and *Petromel Brocax*, her Sureties, should be

King Henry V. ' seized, and paid to the King, and sufficient Warrant
' was provided for all who should pay the same ¹.

Henry marries
Catherine of
France.

Anno Regni 8.
1420.

At Westminster.

In the Year 1420, and the eighth of this King, the French War was brought to a Conclusion, by a Marriage between the Princess *Catherine of France*, and Henry King of *England*; whereby Henry was declared Regent and Heir Apparent to the Crown of *France*. In the *Abridgement of Records* there is a List of the Peers summoned to a Parliament to be held at *Westminster* on the 2d Day of *March* this Year, though no farther Account is given of it. But we find, by the Rolls themselves, that a Parliament was summoned by the Duke of *Gloucester*, then Regent, to meet at *Westminster* on the 2d Day of *December*, 1420, and the eighth Year of this Reign. The whole Body being assembled before the Regent, then sitting in the Chair of State, in the Painted Chamber of the Palace, the Bishop of *Durham*, Chancellor, opened the Session in the usual Manner, and then told them, ' That the King their Sovereign had, in his Youth, ' shewn early Proof of his Courage and Conduct, by ' suppressing the Rebellion in *Wales*; and after, by the ' Destruction of the *Lollards*, to the Abatement of Heresies within the Realm; and that he had since recovered the antient Rights belonging to the Crown of ' *England*, in the Parts beyond Sea towards *France*; and ' concluded all with a blessed Peace and Unity between ' them and their sometime Adversary of *France*, which ' must be to the great Pleasure of God, and perpetual ' Increase of Happiness to all this Realm of *England*.'

[162]

The Chancellor took for his Text *Inivit David Consilium*; which how he applied we know not, for he only told them, in the Sequel of his Discourse, ' That the ' King, for divers weighty Considerations, being obliged ' to stay abroad some Time longer, desired, above all ' Things, the Prosperity and good Governance of this ' Realm; and particularly recommended to the Wisdom and Care of this Parliament, the Poverty of the ' People, and the great Scarcity of Money there was ' amongst them, and to provide some Remedy for that ' great Evil.'

The

¹ For the fullest Account of Queen *Jean's* Conspiracy, see *Goodwin's History of Henry V.*

The Receivers and Triers of Petitions being appointed, ^{King Henry V.} and the Commons directed to chuse their Speaker, on the next Day they presented *Roger Hunt*, Esq; for that Office; who, being approved on by the Regent, made ^{ROGER HUNT, Esq; chosen Speaker.} the usual Protestation, which was granted.

The first Affair this Parliament went upon was to make an Act, or Ordinance, to this Effect: 'That forasmuch as, by the Grace of God, a final Peace was lately made between our Sovereign Lord the King and the King of *France*, his Father-in-Law, in such Manner that our said King is declared Heir and Regent of the Realm of *France*, during the Life-time of his said Father, and to have the sole Government of the same; and that, after his Death, the said Kingdom and Crown of *France* should be the Inheritance of our Sovereign Lord the King, and his Heirs for ever. And as it is most likely that, for the better Government of both Kingdoms, the King will be obliged to reside sometimes in this, and sometimes in the other beyond Sea, as it may seem best to his Discretion; therefore be it enacted, That, if a Parliament should be summoned by the King's Lieutenant, and the King arrive soon after the Writs were issued out of Chancery, yet that Parliament should not be dissolved, nor new Summons made; but that it should meet by Virtue of the former ^{Cautionary Act relating to the Conquest of France.} k.'

This was the first cautionary Act that was made for Security against any Inconvenience that might arise from the uniting of *England* to *France*; but the Reader will find some much stronger in the Sequel. And amongst the Petitions of the Commons in this very Parliament, in the next after that for Holy Church, and that all Persons, Corporations, and Burghs may enjoy their Liberties and Franchises, is one to this Effect:

'The Commons, with the Advice and Assent of the Lords Spiritual and Temporal, in this present Parliament, pray that it would please your thrice-gracious Lordship to supplicate, move, and excite our most gracious Sovereign Lord the King, and his no less gracious Queen, his Consort, to return and come into this Kingdom, in as short a Time as it shall please his Majesty, to the great Comfort, Support, and Relief of his said Com- ^{Petitions on the same.} mons.'

L 3

* Rot. Parl. 8 Henry V. No. 7. See also *Statutes at large*, An. ibid. cap. i. ii.

King Henry V. mons.'—The Regent's Answer was, 'That this Request pleased him very well, and that he should move the King as effectually as he could in it ¹.

By another Petition this Parliament ^m, the Commons pray, 'That whereas King *Edward*, Great Grandfather to the present King, held a Parliament at *Westminster* in the 14th Year of his Reign over *England*, and the first of *France*, it was thought reasonable that, considering the Crown of the latter Kingdom was by Right devolved upon the said King, and that, as King of *France*, this Kingdom would be put under Subjection to the King and Realm of *France* for Time to come, the said King *Edward*, having due Regard for this Nation, and that it should never be in Subjection or Obedience to the other, with the Consent of that whole Parliament granted and established, for him and his Successors, that altho' he was then really King of *France*, and that he stiled himself such, and had alter'd his Arms and Great Seal accordingly, yet that neither this Realm of *England* nor the People of it, of what Condition soever, should at no Time be subject to him, or his Successors, as Kings of *France*, but should remain for ever as frank and free, in all Things, as ever they were in the Times of his Noble Progenitors, Kings of *England*.

'And because that, at this Time, our present most gracious King, by the Help of God and his own great Courage and Magnanimity, is at present Heir and Regent of *France*, and that after the Death of *Charles* now King thereof, our said Sovereign Lord and his Heirs will be, by the Grace of God, Kings of *France* for ever, that it would please his Noble Grace the Duke of *Gloucester*, Regent of *England*, to ordain and establish, by Authority of this present Parliament, that the aforesaid Grant and Establishment, made by the said late King *Edward*, should be kept in all its Points. And further to ordain, by the Authority above, that, by reason our said Lord the King is now Heir and Regent of *France*, and that he and his Heirs, after the Death of the said *Charles*, will be Kings of *France*, that the said Realm of *England*, and the People of it, of what Estate and Condition soever, shall not be under any Subjection or Obedience to him, or his Heirs and Successors, as Regent or Kings

' of

‘ of *France*, but shall remain free and independent from King *Henry V.*
 ‘ any such Subjection for evermore.’

Answer. *Let the Statute before made be kept and guarded.*

Lastly, ‘ The Commons pray, That because several
 ‘ Lords of this present Parliament have said that the Pe-
 ‘ titions of the Commons made now to the Most Noble
 ‘ Prince the Duke of *Gloucester*, Regent of *England*,
 ‘ should not be engrossed before they were sent abroad
 ‘ to our Sovereign Lord the King, for to have his Royal
 ‘ Assent and Advice, that it would please the said Duke
 ‘ Regent, that all the Petitions now presented by the
 ‘ Commons should be answered and determined within
 ‘ and during this Parliament; and that all Petitions that
 ‘ remain unanswered should be held for void and of no
 ‘ Effect; and that this Ordinance should be in Force
 ‘ and take Place in every Parliament of *England* for the
 ‘ Time to come.’

The Regent’s Answer to this last Petition was, *That he would be advised by the Kingⁿ.*

These were all the Remarkables that passed in this Parliament; how long it subsisted as such is not specified on the Rolls; but it could not be long, because *Christmas* was near, and we find no Prorogation.

The Reader must observe by these last Proceedings, that a great Jealousy was then in this Nation, that their King’s mighty Acquisitions abroad would not turn to any Advantage to them at home; but rather that this small Kingdom of *England* was in Danger of being swallow’d up and lost in the much greater Dominion of *France*. This Consideration, no doubt, caused the Patriots of those Days to make these cautionary Acts, to secure, as much as possible, the Laws, Liberties, and Interests of this Kingdom from being subservient to those of any other; which must always be in Danger whenever any Continental Views interfere with the real Interest of this Island.—But to proceed with our Design.

The next Year, 1421, King *Henry*, covered with Laurels, came into *England* with his young Queen, and were both received here with all possible Joy and Magnificence. Soon after the King sent out Writs for calling

King Henry V. ing a new Parliament, dated at *Westminster*, Feb. 16,
 Anno Regni 9. and to meet there on the second Day of *May* following;
 1421. when being all assembled before the King in the Painted
 Chamber, as usual, the Bishop of *Durham*, still Lord-
 Chancellor, by the King's Command, opened the Cause
 At *Westminster*. of the Summons to this Effect:

‘He commended the King highly for many notable
 ‘Causes; particularly, that notwithstanding the Victo-
 ‘ries and Conquests which God had blessed his Labours
 ‘with, he would have nothing ascribed to himself, but
 ‘only to the Most High; according to what the Chronic
 ‘tells us of that very valiant Emperor *Julius Cæsar*,
 ‘*Qui de Gestis suis propriis audire noluit, propter metum*
 ‘*Elacionis*: And also for that which happened to *Job*,
 ‘who, when he was sitting at a Feast, and the News
 ‘came to him of the Death of all his Children, said,
 ‘*Deus dedit, Deus abstulit, sicut Deo placuit ita factum*
 ‘*est; sit Nomen Domini benedictum*; so also our Sove-
 ‘reign Lord the King, when he first heard of the Death
 ‘of that Most Honourable Prince the Duke of *Clare*-
 ‘*rence*, his most dear Brother, with the rest of the vali-
 ‘ant Knights and others slain or taken in his Company,
 ‘he praised God, and thanked him equally for this his
 ‘Visitation of Adversity now, as he had before done in
 ‘his Prosperity, according to the Prophet, who said,
 ‘*Laudans invocabo Dominum*; and these last Words the
 ‘Chancellor took for his Theme.’ Also,

In declaring further the Cause of the Summons of
 this present Parliament, the Orator observed, ‘That
 ‘it was for the Reformation of all Riots and Excesses
 ‘which had been made in the Land since the King went
 ‘last abroad, and particularly by some who had been in
 ‘his Service. That Justice might be done to every one,
 ‘and that the Laws and Statutes of the Realm should
 ‘be well guarded and observed, for the Ease and Secu-
 ‘rity of the People. *Lastly*, For the better Govern-
 ‘ment of this Nation, the King had called this Parlia-
 ‘ment to have their good Advice, and Judgments how
 ‘to bring Matters to such a Point as would be most
 ‘conducive to the King's Honour, most profitable to
 ‘the whole Community, and most pleasing to Almighty
 ‘God.’

The

The good Bishop closed his Discourse with acquaint-
ing his Audience, ' That Receivers and Triers of Peti-
' tions were appointed for Examination of such from all
' the Dominions subject to the *English* Crown: And
' told the Commons to retire to their own House and
' chuse a Speaker, so as to present him the next Day to
' the King;' and accordingly they presented *Thomas*
Chaucer, Esq; once more; who, making the usual Pro-
testation, was accepted.

*THOMAS CHAU-
CER*, Esq; cho-
sen Speaker a
fourth Time.

We shall next give the Heads of all the public Acts
that were made in this Parliament: And, first, an Act
' For regulating the Gold Coin of this Kingdom, then
said to be much debased by Clippers and Coiners °; to
call it all into the King's Mint in the Tower of *London*,
there to be new-coined, according to the Standard, and
delivered out again to the several Owners, allowing rea-
sonable Fees to the Mint-Master and his Officers.'

An Act ' To give the King a Power, with the Advice
of his Council, to remove the Staple of Wooll from the
Town of *Calais* to such Place as he pleased, and seem'd
most profitable for him and his whole Kingdom, to
remain there for three Years.'—An Act ' For giving
Security to the King's Creditors.'—Another ' Against
ignorant Quacks, and Practisers of Physic and Surgery.'—
' Against the Scholars of *Oxford*, for committing divers
great Riots in that and the neighbouring Counties.' A
long and severe Act made against them.

Public Acts in
this Parliament.

Henry Beaufort, the rich Bishop of *Winchester*, and
illegitimate Uncle to the King, it seems, had lent him
a large Sum of Money during the Exigencies of the late
French Wars. In this Parliament a Petition was pro-
moted by the Commons to the King and Lords, intima-
ting, ' That whereas the Bishop of *Winchester* had lent
' his Majesty, on his late pressing Occasions, and for the
' Ease of his poor Commons, 14,000*l.* over and above
' the Sum of 8306*l.* 18*s.* 8*d.* formerly borrow'd of him;
' for which the Bishop had the King's Letters Patent
' granted him for his Security; the Commons now pray
' that the said Letters Patent may be ratified and con-
' firmed in this Parliament, for the greater Security of
' the said Bishop, and that they might be entered on the
' Rolls of the same.'

Ac-

King Henry V.

Accordingly we find these Letters Patent on the Rolls of Parliament. They are very long, but are in full, containing a Security, by way of Mortgage, on all and singular Subsidies granted to the Crown, to receive them at such and such Times of Payment, and Sums, as is specified in these Patents. Also all Manner of Duties and Customs upon all Sorts of Goods and Merchandizes imported or exported at the Town of *Southampton*, and several other Ports in *England*, till all the Debt due to the Bishop should be fully cleared off and discharged.

The Article of Moment that comes next on the Rolls, is a formal Instrument drawn and entered, containing the whole Parliament's Approbation and Ratification of the Peace concluded at *Troyes* between *Henry* King of *England* and *Charles* the *French* King, which was done *May* 21, 1420, just a Year before. And as this Peace had been ratified and confirmed by the three Estates of *France*, in a Parliament assembled at *Paris* on the 10th Day of *December* last before, so now the several Articles of it, being first carefully read and examined, were in the same Manner agreed to and confirmed by the three Estates of *England*, in full Parliament assembled at *Westminster*.

The Peace with
France confirm'd
by Parliament.

It seems as if this Parliament was principally called for the Confirmation of this Peace; for tho' there were many Things besides done at it, and which are on the Rolls, yet none regarding the Public, but private Properties. It is observable also, that not one Subsidy was either ask'd or granted at this Meeting; and, amongst the Petitions of the Commons, with the King's Answers to them, there are none significant enough for our Purpose.

During the Sitting of this Parliament (of whose Conclusion there is no Account given on the Rolls) *Catherine* Princess of *France*, whom *Henry* had married before he came into *England* this Time, and was the strongest Cement to this Peace, was crowned at *Westminster* with the greatest Solemnity.

Soon after the Breaking-up of this Parliament, *Henry* found himself obliged to go abroad again, against his Brother-in-Law the *Dauphin* of *France*, who never came into this Peace, but kept a continual War with
England

England both in this Reign and the next, and even un- King Henry V.
till he had regained every Foot of Land in *France* which
his Father or himself had lost: However, our *Henry V.*
was as successful against the *Dauphin* as he had been
against the other, and was carrying on his Conquests
with great Rapidity. In the mean while the Duke of
Gloucester administered the Regency in *England* with
great Wisdom and Fidelity. This Governor thought
fit to call a Parliament, which met at *Westminster* on
the first of *December*, in the same Year as the former.
The Bishop of *Durham* opened the Session with a formal
Speech, or rather a Sermon, of little or no Signifi-
cancy; except that in the Conclusion he told them,
'They ought to establish good Laws, and defend the
Frontiers of their Country with manly Courage against
the *Scots* Invaders.'

[165]

Anno Regni 9.
1421.

At Westminster.

On the third Day of their Sitting the Commons pre- RICHARD BAY-
sented *Richard Baynard*, Esq; ^p to the Regent for their NARD, Esq; cho-
Speaker; and the same Day, with the Consent of the sen Speaker.
Other House, they granted the King one Tenth and one A Subsidy.
Fifteenth, to be levied on the Laity; but with this Con-
dition, says *Walsingham*, that the first Half of it should
be paid in the Money then current. It was also ordain'd,
'That all such Money, with other, should pass till the
25th of *March*, if it was not notoriously clipp'd and
wash'd ^q.' The Gold Coin had been lessened in the
Value by Clipping and Washing, therefore the Parlia-
ment ordained, for the Relief of the People, 'That the
Receivers of the Tax should take all such light Pieces,
if they did not want in Weight more than 12*d.* in the
Noble; or, if they did, those who paid them were to
make up the Defect.' The People therefore put off their
Gold as fast as they could, and hoarded up their Silver ^r:
By which the King, though then under Necessities for
Money, was contented to lose almost 3*s.* in the Pound,
for the Benefit of the People.

Several Acts for
regulating the
Coin.

Several more Statutes were made this Session of Par-
liament, relating to the Coinage, the Heads of which are
as follow :

' That

^p His Name is spelt *Banyard* on the Record.

^q *Hist. Ang.* p. 406. *Nec Tonsione vel Lotione enormiter diminutum.*
This shews that the Custom of clipping and washing Money is antient.

^r *Walsingham*, *ibid.* *Fabian's Chron.* Fol. clxxviii. *Daniel in Kennet*,
P. 335.

King Henry V.

‘ That all the Statutes unrepeal’d, concerning the good and lawful Management of Gold and Silver, should be strictly observed and executed.

[166]

‘ That the King should appoint his Exchanges of the Money of Gold and Silver in the City of *London*, and other Towns, to be kept in open Places in High Streets, for the Ease of the People; and that all who came to the Tower of *London* to have Money new coined, should have it delivered to them within eight Days, according to the Value of what they brought, paying for the Coinage of Gold at the Rate of 5*s.* in the Pound; and for coining a Pound of Silver, 15*d.* And that such who would not bring their Money to the Tower, but delivered it into the King’s Exchanges, should pay a Penny in the Noble, and so proportionably.’

Another was, ‘ To oblige all the Masters and Workers in the Mint to make due and prompt Payment of the new Money, either by Weight or Number, to all who brought in their old; and that if there was any Default in the new Money, either as to Weight or Alloy, the Masters of the Mint should presently change it, and melt it down.’

Also it was enacted, ‘ That the Wardens, Surveyors, and Ministers of the Exchanges out of the Tower, should not divert the Gold and Silver received by them to any other Use, but should be obliged to bring it to the Mint to be coined, that there might be the fuller Circulation of Money through the Kingdom.’

A Mint was also established at *Calais*, in the same Manner as at the Tower.

And it was likewise ordained, ‘ That the new-coin’d Money should be of as good Alloy and Weight as the old.’

Also, ‘ That the Chancellor of *England* should deliver, to those who would have them, good and just Weights of the Noble, Half Noble, and Farthing of Gold, to prevent the People’s being abused by such as were counterfeit.’

The Sheriffs and Justices of Peace were also required to make a Search after all Falsifiers of Weights, and to keep them in Prison till they had made Fine and Ransom at their Discretion.

An

An Act having been passed *Anno 14 Richard II.* King Henry V. wherein it was ordained, 'That for every Exchange made by Merchants in the Court of *Rome*, or in other Parts, they should be bound to buy, within three Months following, Merchandizes of the Staple, to the Value of the Sum so exchanged, upon Forfeiture of the same: And whereas the Merchants had represented to the Parliament, that the Time allotted was too short to buy such Merchandizes, and ship them; and that, in Default of Exchanges, the Money of the Nation would be carried beyond Sea:

[167]

It was therefore enacted, 'That all Merchants, who should make such Exchanges, should be bound personally in the Chancery, by Recognizance, to buy, within nine Months following, the Merchandizes and Commodities aforesaid.'

As the Parliament granted the King a Tenth and Fifteenth, so a Convocation, which had met at *York* on the 22d of *September* foregoing, gave him a Tenth; and the Duke of *Gloucester* required the Archbishop, by an Order, dated *Oct. 27*, to appoint some of his Clergy to be the Collectors, and to return their Names into the Exchequer before *Easter*.

This was the last Parliament called in the Reign of *Henry V.* who died of a Dysentery, *August 31, 1422*, at *Vincennes*, in *France*, and in the tenth of his Reign. In the Midst of his Conquests, and in the Zenith of his Age was this great King snatched away; leaving one Son to succeed him, an Infant scarce nine Months old.

The Death of
Henry V.

The glorious Reign of this Prince has furnished all our general Historians with Abundance of Matter for raising the most finished and exalted Character: But though his victorious Sword cut them out Work enough to follow, yet these Inquiries, under a civil Capacity, have not been much enriched thereby; for *Henry* strictly pursued his Father's last Advice to him; and, by amusing his Subjects with this foreign War, kept them all quiet and peaceable at home. By these Means his Title to the Crown was never once called in Question all his Reign; and as long as either *England* or *France* remain, or any Memoirs continue in either of them,

his

^b There is an Instrument in the *Public Acts*, dated *Tesle Rege apud Castrum de Bois de Vincen. 30 Die Augusti*, which was the Day before he died. *Fœd. Ang. Tom. X. p. 251.*

King Henry V. his Virtues and brave Actions will be revered and celebrated, as the Glory of the one and the Terror of the other.

[168]

To close up this poor and imperfect Sketch of this great Prince's Character, we shall only add what a contemporary Monastic Chronicle has left us of it. It is there said that *Henry V.* at his coming to the Crown, made it one of his first Acts to convey King *Richard's* Body from *Langley*, where it had been ignobly interr'd, to *Westminster*, and deposited it near the Tomb of *St. Edward*, King and Confessor. This was done, according to the Piety of those Times, to make some Attainment for the Cruelties exercised against *Richard*, as his Deposition, and Sentence of perpetual Imprisonment, which this King *Henry* by no Means approved of; and all those who had been instrumental in his Death, he look'd upon as guilty of High Treason ^c.

TAXES in this King's Reign.

Taxes granted in his Reign;

In his first Year he had the like Subsidy on Staple Ware, Tonnage, and Poundage, for four Years, as had been given to his Father in the 13th Year of his Reign.

In his second Year an Act was passed, whereby the Priories Alien, who depended on some Capital Abbies in *Normandy*, that received the Profits of them, should be vested in the King for carrying on a War against *France*.

The same Year the Parliament granted him two whole Tenths and two whole Fifteenths, to be levied on the Laity.

In his third Year, in a Parliament called by *John Duke of Bedford*, then Regent, there was granted the same Subsidy on Wooll, &c. with the same Tonnage and Poundage as in his first Year, but to hold during the King's Life. They also gave one Fifteenth and one Tenth to support the War against *France*.

In his fourth Year he had two whole Tenths and two Fifteenths, to be levied on the Laity; the Clergy also granted two Tenths on their own Body: But this being not

^c *Qui quidem Regis Richardi Depositionem, ac ejus perpetuam Incarcerationem, nullatenus approbans; sed omnes qui Causa ejus Mortis extiterant, Præditionis reos fore disjucians. Hist. Croylandensis Continuatio, ad An. 1414.*

not sufficient, he was obliged to pawn his Crown and ^{King Henry V.} Jewels to carry on the *French War*.

In his fifth Year he had two full Tenths and Fifteenths.

His sixth Year was wholly spent on the Conquest of *France*. But [169]

In his seventh Year the Parliament granted to his Majesty one Fifteenth and one Tenth, and one third Part of another Tenth and Fifteenth.

In his ninth Year he had one Tenth and one Fifteenth. The Clergy a Tenth.

Our Historians are very deficient in noting the Prices of Provisions in this Reign; their Pens are so employed in describing the glorious Victories of this *English Hero*, that they seem almost to have forgot Domestic Affairs. *Fabian's Chronicle* however tells us, That, in the Year 1416, Wheat was so dear as to be sold for 16 s. a Quarter: And that in 1422 it sold for 8 s. and Malt at 5 s. A Ram sold also for 8 d. and by the Parliament Rolls we find that *Gascoign Wines* were ordered to be sold for 6 d. a Gallon; *Rhenish* and *Rochelle Wines* at 4 d. And Value of Money.

HENRY

[170] **H**ENRY the Sixth was an Infant of about nine Months old when he began his Reign. Some Authors affirm, that he was proclaimed King of all his Dominions, both at *London* and *Paris*; but he could not then be so proclaimed King of *France*, because *Charles VI.* was still living; and, by the Treaty of *Troyes*, the King of *England* was not to be stiled King of *France* till after *Charles's* Death. But that happening very soon after, for he died within less than two Months of King *Henry V.* the Infant King was proclaimed King of *France* and *England*, in *Paris*, and in the other Parts of *France*, by the Name of *Henry* the Second in that Kingdom, though the Sixth in *England*. *John* Duke of *Bedford*, the young King's Uncle, was constituted Regent of *France*; and after the Death of *Charles*, who was the strongest Support to the *English* Interest in that Kingdom, had Work enough upon his Hands to defend what they had got from the Efforts of the *Dauphin* of *France*; who caused himself also to be crowned King at *Poitiers*.

Anno Regni 1.
1422.

At Westminster.

Whilst these Affairs were in various Agitations abroad, the same Year, Anno 1422, Writs of Summons were issued out, in the young King's Name, dated September 29, for a Parliament to meet on the Monday next before the Feast of St. *Martin*, at *Westminster*. And, on the same Day, before any other Business was begun, a Commission directed to *Humphrey* Duke of *Gloucester*, the King's Uncle, empowering him to hold the Parliament in the King's Name, was read in the Presence of the said Duke, sitting in the Painted Chamber, and before the Lords and Commons assembled ^a.

After

^a The Commission itself, being one of the first Acts of State done by this Infant King, may not be incurious to the Reader.

HENRICUS, Dei Gratia, Rex Angliæ, et Franciæ, et Dominus Hiberniæ, omnibus ad quos, &c. Salutem.

Sciatis quod, cum, de Avisamento Concilii nostri, pro quibusdam arduis et urgentibus Negotiis, nos, Statum et Defensionem Regni nostri Angliæ, ac Ecclesiæ Anglicanæ, contingentibus, quoddam Parliamentum nostrum, apud Westmonasterium, Die Lunæ, proximo ante Festum Sancti Martini, proximo futurum, teneri ordinaverimus. Et quia vero, propter certas Causas, ad Parliamentum prædictum, personaliter, non poterimus interesse; ac de Circumspectione et Industria, carissimi Avunculi nostri, Humfredi Ducis Gloucestriæ plenam Fiduciam reportantes; eidem Avunculo nostro, inchoandum,

After which *Henry Chicheley*, Archbishop of *Canterbury*, by Command of the said Duke, the King's Commissioner, declared the Cause of calling the said Parliament, and took for his Theme, *Principes Populorum congregati sunt cum Deo*. [171]

In discoursing on which Words he introduced many notable Examples and Apothegms; and, amongst them, observed, 'That God of his great Mercy had left Issue unto them of the most victorious Prince *Henry*, begotten of the Royal Blood of *France*, whereby the same Issue was now become King of *England* and *France*. That, as all Perfections were comprized within the Number of Six, since God had made all Things in six Days, so his divine Majesty was to accomplish the good Beginnings of the famous fifth *Henry*, in the sixth *Henry* his Son; who, he added, would that all Estates and Persons should enjoy their full Liberties.' He then declared, 'That, considering the King's tender Age, this Parliament was called for three Causes; the *first*, for the good Governance of the King's Person; the *second*, for preserving the Peace; and, *lastly*, for the sure Defence of the Realm. But, that it principally imported them to provide some honourable and discreet Persons for the Governance aforesaid, in which they all ought to give their best Advice, he desired them, in this, to follow the Counsel which *Jethro* gave to *Moses* in *Exodus*, viz. Such as feared God, wife, religious, hating Covetousness, puissant, &c.' And then concluded with desiring the Commons to chuse a Speaker, and present him next Day to the Duke.'

Receivers and Triers of Petitions being appointed for *England*, *Ireland*, *Wales*, and *Scotland*, with Gas-

[172]

VOL. II. M coigny,
dum, et in eo procedendum, et ad faciendum omnia et singula, quæ pro nobis, et per nos, pro bono Regimine et Gubernatione Regni nostri prædicti, ac aliorum Dominiorum nostrorum, eidem Regno nostro pertinentium, ibidem fuerint facienda. Nec non ad Parliamentum illud finiendum et dissolvendum, de Assensu Consilii nostri, plenam, tenore Præsentium, committimus Potestatem.—Dantes ulterius, de Assensu ejusdem Consilii nostri, tam universis et singulis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, et Militibus, quam omnibus aliis quorum interest, ad Parliamentum nostrum prædictum conveniendis, similiter Tenore Præsentium, firmiter in Mandatis, quod eidem Avunculo nostro intendant in Præmissis, in Forma supradicta. In cujus, &c.

Tescie Rege apud Westmonasterium sexto Die Novembris, per Breve de privato Sigillo. Ford. Ang. Tom. X. p. 257. Rot. Parl. 1 Henry VI.

King Henry VI. *coigny*, other foreign Parts, and the Isles, on *Tuesday*, being the second Day of the Parliament, the Commons presented *Roger Flouer*, Esq;^b to the Duke and Lords for their Speaker; who, with the usual Protestation, was allowed.

ROGER FLOUER,
Esq; a fourth
Time chosen
Speaker.

The two Bishops of *Durham* and *London*, the former having been Chancellor of *England* in the late Reign, and the other Chancellor of the Duchy of *Normandy*, who had both delivered the several Seals of their Offices to the Duke of *Gloucester*, prayed to be discharged by Act of Parliament, and that the same might be inrolled; which was granted. It was then also enacted, That the King's Stile and Titles should be changed, and that upon all his Seals should be engraven this Motto, *Henricus Rex Franciæ & Angliæ, & Dominus Hiberniæ*.

At the Request of the Commons, the Duke of *Gloucester* declared to them, that the King had appointed the Bishop of *Durham* to be his Chancellor; *William Rindrose*, Treasurer of *England*; and *John Stafford*, to be Keeper of the Privy Seal; for all which Offices their Patents were made, and confirmed by Parliament.

A Protector appointed.

The King, by his Letters Patent, confirmed also by Parliament, appointed *John Duke of Bedford* Protector and Defender of the Realm and Church of *England*, and Chief Counsellor to the King; but because the said Duke was then beyond the Seas, it was enacted, 'That, during his Absence, *Humphrey Duke of Gloucester* should supply the said Office; which said Duke took upon him the Dignity aforesaid, under a Protestation that it should be no Prejudice to the Right of his Brother.' And it was also enacted, 'That the Protectors shall, during the King's Minority, dispose of all the Offices of the Forests, Keepers of Parks, and Warrens; and that all Benefices in the King's Gift, being above the Value of twenty Marks, should continue in their Disposal during their Lives.' And it is likewise said, that the Protector's Salary was settled then at 8000 Marks a Year. The Parliament also appointed

[173]

The Parliament names Guardians for the young King.

^b *Rogier Floure* on the Record.

^c The Instrument for constituting the Duke of *Bedford* Protector, and, in his Absence, the Duke of *Gloucester*, is also in the *Public Acts*, Tom. X. p. 261.

ed Governors to take Care of the King's Person and King *Henry VI*
Education, who were *Thomas Beaufort*, Duke of *Exeter*,
and *Henry* his Brother, Bishop of *Winchester*, both Great
Uncles to the King.

And it was then enacted, ' That all Estates should
' have their Liberties confirmed, which have not been
' revoked, without the Word *Concedimus* to be in any
' of the said Confirmations: And that all Writs,
' Commissions, and Dependants of the same, made by
' the King's Council, relating to this Parliament, be
' confirmed by the Authority of the same.

' And whereas the late King *Henry V.* constituted
' and appointed *Henry Lord Fitz-Hugh*, *Walter Hun-*
' *gerford*, *Walter Beauchamp*, *Lewis Robsart*, *William*
' *Porter*, *Robert Babthorpe*, Knights, and *John Wood-*
' *house* and *John Leventhorpe*, Esquires, Executors of his
' Last Will and Testament, the King granteth now to
' them 40,000 Marks for the Performance of the said
' Will, and 19,000 Marks due to the Executors of
' *Henry IV.* by Oversight of the Supervisors of the said
' Will from the Duke of *Gloucester*, and other Lords
' there named.' A Schedule thereto annexed containeth
the King's Letters Patent for the said Sum.

' The Commons, with the Assent of the Bishops
' and Lords, granted to the King the same Subsidy on A Subsidy
' Woollen or Staple Wares, Tonnage and Poundage,
' as formerly, for two Years to come.' And it was
also enacted, ' That all such Petitions as are not de- The Govern-
' termined in this Parliament, shall be referred to the ment established
' King's Council, to be concluded according to their during the Mi-
' Discretion. Also certain Bishops, and Lords and nority.
' others, were then named to be Counsellors and Assist-
' ants to the Lord-Protector in the Governance afore-
' said. And that all Justices of Peace, Sheriffs, Es-
' cheators, Collectors of the Customs, Comptrollers,
' Weighers, Searchers, and other Officers be placed, or
' displaced, at their Determination. That these Coun- [174]
' sellors may have the Advantage of all Manner of
' Wards, Marriages, Farms, and other Casualties of
' the Crown. And that nothing be ordained in Coun-
' cil but by Six at the least, or more; and, in all great

M 2

' Causes,

c The Grant of this Subsidy is entered on the Rolls in the *English* of the
Times, as was the last.

King Henry VI. Causes, by all, or the greatest Part of them; and, 'when the King is to be conferred withall, that nothing be done without the Assents of the Dukes of *Bedford* and *Gloucester*. That the Treasurer of *England* and the two Chamberlains of the Exchequer may have each of them a Key to the King's Receipt; but that they be sworn, in Council, to make none privy thereto but the Members thereof. That the Clerks of the Council be sworn to take down duly the Names of such of the Counsellors as attend, and to register truly all their Ordinances.' All which Articles were enacted and confirmed by Parliament; with a Proviso, 'That all such Officers as held the same for Life, or otherwise, may be allowed to appoint Deputies, any of these Articles notwithstanding.'

Several good
Laws passed.

These excellent Rules and Ordinances being ratified in Parliament, all possible Care was taken for the good Governance of the Realm, during the King's Minority. The other most memorable Transactions of this Parliament were, first, a Statute was enacted, 'That all such as were imprisoned in any of the King's Goals for Heresy, or Lollardy, should be delivered to the Ordinary to be punished.'

'Upon two Petitions of *Katharine*, Queen Dowager of *England*, the King, in Performance of the League made between the *French* King and *Henry V.* his Father, by two Letters Patent, granted to the said Queen, for her Dowry, sundry Manors, Customs, and other Hereditaments in the Principality of *Wales* and Duchy of *Lancaster*, there named, to the clear yearly Value of 40,000 Crowns, two of which are to be of the real Value of an *English* Noble; all which Dowry and Letters Patent were confirmed in Parliament with several Provisos.' The whole is of a very great Length on the Roll.

'*Ann*, Countess of *Stafford*, Daughter and Heir of *Eleanor*, one of the Daughters and Heirs of *Humphrey de Bohun*, late Earl of *Hereford*, *Essex*, and *Northampton*, and Constable of *England*, recited a Partition made between *Henry V.* and her, of the Earl's Inheritance, in the ninth of his Reign, at which Time certain Knights Fees in gross were not divided; wherefore she now prayeth Remedy for those, as
' well

‘ well as concerning certain Members belonging to the King Henry VI.
‘ Castle of Brechnoch in Wales.’

Answer. *The King’s Council shall have Power, by Authority of Parliament, to settle the same.*

‘ Bartholomew Goldbeater, Master of the Mint, with-
‘ in the Tower, requireth larger Commission, touching
‘ the Coinage and Exchange of Money, in the said
‘ Tower, although it be ordered by the King that no
‘ Minter should hold the Exchange; an Ordinance was
‘ made that the said Master should keep the Exchange
‘ till the next Parliament, so that he take not above
‘ three Half-pence for the Exchange of a Noble.’

It was enacted, ‘ That Thomas Chaucer, Chief Butler
‘ to the King, shall hold the said Office during his Life,
‘ according to the Letters Patent made to his Father
‘ Geoffry Chaucer, and to himself by King Henry IV.’

A Statute was made ‘ That the King’s Council
‘ might assign Money to be coined in as many Places
‘ as they pleased.’—Another, ‘ That all the Statutes
‘ relating to Purveyors shall be proclaimed, in every
‘ County, four Times in a Year.—What Sort of Irish-
‘ men, only, may come to dwell in England.

‘ That the Master of the Mint shall send to the Mint
‘ to be coined all the Gold and Silver that shall come
‘ to his Hands by Exchange. A certain Allowance
‘ shall be made to those who were returned to serve
‘ King Henry V. in his Wars out of the Gains of the
‘ War^d. Those Jewels which King Henry V. did
‘ mortgage, shall be redeemed or forfeited, saving the
‘ Jewels of the Crown’.

The last Thing that we find worth Notice, amongst
the Transactions of this Parliament, is ‘ That Humphrey
‘ Duke of Gloucester had granted to him, by Authority
‘ of the said Parliament, the Offices of Lord Great-
‘ Chamberlain and Constable of England, with all the
‘ Profits thereunto belonging, to continue to him du-
‘ ring the King’s Pleasure.’—The Petitions of the Com-
mons, this Parliament, are but few, and those of no
great Significancy.

[176]

The next Year another Parliament was called by
Writs, dated September the first, returnable on the 20th

M 3

Day

^d These are said to be maimed or decrepid Soldiers, called now Invalids.

^e Statutes at large, An. 1 Henry VI. cap. 1, 2, 3, 4, 5.

King Henry VI. Day of *October* following. It is remarkable, that a much smaller Number of Peers were summoned to this and the last Parliament, than usually; from whence we conclude, that the greatest Part of the *English* Nobility, at that Time, were engaged abroad, as Governors of some conquered City, Town, or Fortrefs; or otherwise with-held by some important Post in the Army. A List of those called to this Meeting is as follows:

Names of the
Peers.

<i>Humphrey Duke of Gloucester.</i>	<i>Robert Lord Poynings.</i>
<i>Henry Earl of Northumberland.</i>	<i>William Lord Botreaux.</i>
<i>Ralph Earl of Westmoreland.</i>	<i>Thomas Lord Dacre, of Gilsland.</i>
<i>Thomas Lord De la War.</i>	<i>William Lord Clinton.</i>
<i>William Lord Ferrers, of Groby.</i>	<i>William Lord Harrington.</i>
<i>John Lord Welles.</i>	<i>Thomas Earl Marshal.</i>
<i>John Lord Graystock.</i>	<i>Edmond Earl of March.</i>
<i>Reginald Lord Grey, of Ruthin.</i>	<i>Thomas Duke of Exeter.</i>
<i>John Neville, Lord Latymer.</i>	<i>Richard Earl of Warwick.</i>
<i>Richard Lord Strange.</i>	<i>James Lord Audley.</i>
	<i>Richard Lord Cromwell.</i>
	<i>Henry Lord Fitz-Hugh.</i>

On the Day of the Meeting of this Parliament, a Commission was again read to constitute the Duke of Gloucester Lord President^s; and, by his Command, the Bishop of *Durham*, Lord-Chancellor, opened the Cause of the Summons under this Text,

Deum timete, Regem honorificate.

[177] On these Words he argued, ‘ That we ought to fear
‘ God, even with a Child-like Fear; *quoniam qui timet*
‘ *Deum, diligit eum, et tunc illuminabitur Cor ejus.*
‘ And that the King ought to be honoured, since now
‘ this Realm had attained their Wish; which was,
‘ that the King of *England* might also be King of
‘ *France*. And since this great Undertaking was brought
‘ about by the Labour and Conquests of their present
‘ King’s

^s These four are placed in both the Lists after several of the Barons. Omitted in this List, *James Lord Berkeley*.

^g The Commission is in the *Public Acts*, dated at *Westminster*, Oct. 19. Tom. X. p. 310. And Rot. Parl. 2 Henry VI.

‘ King’s Father, they ought to honour him equally for ^{King Henry VI.}
 ‘ it; for *Omnis qui diligit eum qui genuit, diligit et eum*
 ‘ *qui natus est ex illo.*

‘ That all the Lords of the Council, appointed by the
 ‘ last Parliament for the Regency, and for the due Ob-
 ‘ servation of the Peace, during the King’s Minority,
 ‘ were assembled, in order to take the Advice and Con-
 ‘ sent of Parliament, towards perfecting the same.’
 Then he desired the Commons to chuse their Speaker
 and present him to the Duke, the King’s Commissioner
 in this Parliament.

The Receivers and Triers of Petitions being appoint-
 ed, the Commons presented *John Russel, Esq;* as their <sup>JOHN RUSSEL,
 Esq; chosen
 Speaker.</sup>
 Speaker; who, with the usual Protestation, was allowed.
 The Business of this Parliament was chiefly these:

‘ Whereas *John Lord Talbot, of Furnival*, being
 ‘ the King’s Lieutenant of *Ireland*, had accused *James*
 ‘ *Butler* ^a, Earl of *Ormond*, of certain Treasons com-
 ‘ mitted in that Kingdom; which Accusation was then
 ‘ depending before *John Duke of Bedford*, Earl Mar-
 ‘ shal of *England*, in his Marshal’s Court; the King,
 ‘ to take up the Matter betwixt them, doth, by Assent
 ‘ of Parliament, utterly abolish the said Accusation, and
 ‘ all Suits upon the same.’ The Accusations are par-
 ticularly recited in the Record.

A Committee of the Commons were appointed to
 wait upon the Duke of *Gloucester*, and to give him their
 hearty Thanks for vouchsafing to communicate to them
 the Treaty with the *Scots* Ambassador, for the Delivery
 and Marriage of *James* King of *Scotland*; which they
 greatly approved of.

An Ordinance was made, ‘ That the Mint-Master in
 ‘ the Tower shall keep the Exchange, allowed him by
 ‘ the last Parliament, during the King’s Pleasure.’ And
 it was enacted, at the Petition of the Northern Counties,
 ‘ That a Coinage should be at *York*, during the King’s
 ‘ Pleasure; and that all Persons do bring in their Gold,
 ‘ there to be new coined, which is not of full Weight.

[178]

These are all the Acts and Ordinances which were
 made in the first Session of this Parliament, which was
 adjourned the 17th Day of *December*, on Account of the
 approaching Festival, to the 15th of *January* following.

On

King Henry VI.

On the Day prefixed being again assembled, the first Thing that they went upon was a Grant of a Subsidy to the King. This Instrument is first entered on the Roll, dated *Feb. 8*; and therefore we place it here, though it was not presented till *Feb. 28* following, the last Day of this Parliament.

A Subsidy.

This Grant is also in *English*, and contains a Subsidy of 33*s.* 4*d.* on *English* Merchants, for every Sack of Wooll; and for every 240 Pound Weight of Woollfells, 34*s.* 4*d.* and of Aliens a Subsidy of 43*s.* 4*d.* for Wooll, and for Fells the same; also a Subsidy of Tonnage and Poundage on Aliens, for every Ton of Wine 3*s.* and for every twenty Shillings Worth of Merchandize imported or exported, 12*d.* from the Feast of St. *Martin* then next coming, unto the End of two Years then next following, with some Restrictions too long to insert; but no Fifteenths or Tenths granted in this Parliament.

The next we find on Record are the Names, or Titles, of the Council assigned, during the King's Infancy, to govern this Kingdom under the Lord-Protector, *viz.*

The Duke of Gloucester,

The Archbishop of *Canterbury*, the Bishops of *London*, *Winchester*, *Norwich*, and *Worcester*; the Lord-Chancellor and Lord-Treasurer; the Lord Privy-Seal; the Duke of *Exeter*; the Earls of *March*, *Warwick*, *Mareschal*, *Northumberland*, and *Westmoreland*; the Barons *Cromwell*, *Fitz-Hugh*, *Bourghchier*, and *Scrope*; Sir *Walter Hungerford*, Sir *John Tiptoft*; *Thomas Chaucer* and *William Allynnton*, Esqrs.

These Bishops, Noblemen, &c. when they accepted of being Privy Counsellors to the King, desired that they might have a Schedule of Instructions to act by given them, which were drawn up for them, and are on the Roll, in the *English* of the Times, as follow:

THESE ben certain Provisions for the Good of the Governance of this Land, that the Lords which ben of the King's Counsaill desireth,

First, That my Lord of Gloucester, ne noon other Man of the Counsaill, in no Suyte that shall be maad unto him, shall no Favour grante nether in Billes of Right, ne of Office,

Office, ne of Benefice that loongeth to the Counsaill, but King Henry VI. only to answer that the Bill shall be seen by all the Counsaill, and the Party suying to have Answer.

Item, That all the Billes that shall be put into the Counsaill, shuld be onys in the Week at the lest, that is to saie on the Wednesday, redd byfore the Counsaill, and ther Answeres endorced by the same Counsaill, and on the Friday next solowyng declared to the Partie suying.

Item, That all the Billes that comprehende Materes terminable at commune Lawe, that seemeth noght senyd, be remittyd there to be determined; but if so be that the Discretion of the Counsaill feel to grete Myght on that oo Side and unmight oo that other^a.

Item, If so be that eny Matere suyd in the Counsaill falle into diverse Opinions, that ooless than the more Part of the Counsaill, beyng present in the Tyme of Discord fall to that oo Part, that it be noght enacted as assentid, and the Names of both Parties enact, by the Clerk of the Counsaill, theyr Assent or Disassent.

Item, That in all Suytes that shuld be maad to the Counsaill, in Materes whais Determation loongeth unto the Counsaill; but if it be so that thay touch the Weel of the King, our Soverain Lord, or of his Reaume, hastily to be sped, ellys that they be noght enacted and don by the Counsaill, so lesse than to the Nombre of six, or three at the least, of the Counsaill, and the Officers that ben present be of oon Assent, and, atte all Tymes, the Names of those Senteures to be wryten with thar owen Hand in the same Bille.

Item, Forasmoeche as it is to grete a Shame, that into Straunge Countries our Soverain Lord shall write his Lettres by th' Advys of his Counsaill, for such Materes and Persones writeth in his Name, and singular Persones of the Counsaill to write the contrarie; that it be ordeined that no Man of the Counsaill presume to doo it on Pain of Shame and Reproof.

Item, That the Clerk of Counsaill be sworne, that every Day that the Counsaill sitteth on any Billes, betwixt Partie and Partie, that he shall, as far as he can espye, which is the porest Suyter's Bills, and that first to be redd and answered; and the Kyng's Sergeant to be sworne trewly and plainly to geve the pore Man, that for such is accept

King Henry VI. *to the Counsaill, Assistance and trewe Counsaill in his Matere so to be suyde, without any Good taking of hym, on Payn of Discharge of theyr Office.*

Item, Forasmuche as hit is likly that many Materes shull be treted afore the Counsaill, the which toucheth the Kyng's Prerogatif and Frehold, or that a Partie and other of his Sougets or that other, in the which Materes the Counsaill is not lerned to keep the Kyng's Rights and the Parties both, withoute the Advys of the Kyng's Justices, which be lerned both in his Prerogatifs and his commune Lawe; that in all such Materes his Juges be called thereto, and theyr Advys, with theyr Names also, to be entered of Record what and howe thei determine and advyse thereinne.

We have given these Instructions in the true Diction and Orthography of the Times, tho' scarce intelligible now; as well to shew how the *English* Language varies from Age to Age, as to exhibit these Articles of Government which the Parliament thought fit to impose upon the Council, and even on the Protector himself.

We now proceed to the Business done in this second Session of this Parliament.

‘On the Petition of the Executors of the Last Will of Henry IV. the King had, by his Letters Patent, assigned the Payment of 40,000 Marks to the Executors of Henry V. to the End that the last Executors should pay the first, and also discharge the Will of Henry V. which Letters Patent were confirmed by Parliament. The said Executors prayed, That they might have the Jewels, Plate, and Goods of the said King Henry V. to the Value of 40,000 Marks; which was granted. And that the said Executors shall have all the Wards, Marriages, Goods, Debts, and Chattels, which were the said King's, for the Payment of his Debts.’ But then it was enacted, ‘That the Executors of both the late Kings shall pay all their Debts; as well those due by Talley as by Debentures.’ At the same Time an Act was passed, ‘To secure those Persons who had only the late King's Jewels in Pawn, and that they should not be obliged to deliver the same till their Debts were paid. And that the Bishop of Winchester,

Orders relating
to Payment of
the late King's
Debts.

‘ *Winchester*, who lent the King 20,000 Marks on the ^{King Henry VI.} Crown, should have Letters Patent to receive the said Sum out of the Customs.

The Bishop of *Durham*, Executor to *Henry Bowett*, late Archbishop of *York*, and others, petition’d the Parliament ‘ To order the Payment of 900*l.* lent to King ‘ *Henry V.* on a Tabernacle of Gold, once belonging ‘ to the Duke of *Lancaster*; and to be discharged from ‘ the said Executors on the Delivery of the said Tabernacle; which, by common Assent, was confirmed. On the Petition of *Katharine* Queen of *England*, ‘ A ‘ new Dower was assigned her, instead of the other ‘ granted by the last Parliament, it being, in many ‘ Places, found faulty and erroneous. Lastly, *John Stafford*, Treasurer of *England*, by his Petition, prayed, ‘ That the Schedule, indented, made between him on ‘ the one Part, and the Executors of *Henry V.* on the ‘ other, relating to the Goods of the said King, delivered to the said Executors, to the Value of 40,000 ‘ Marks, might be confirmed by Parliament, and he be ‘ discharged thereof; which was granted.’ The Inventory of these Goods are on the Record, containing the Jewels, Cloths of Arras, Apparel, and other Particulars, with the Prices annexed to them, to a very great Length; wherein, says *Prynne*, may be seen the Frugality of the late King, there being some plain Gowns of his not worth 40*s.* with other less costly Apparel, and such as the worst Pages of the least Nobleman, in our Days, would scorn to wear.

[179]

The Parliament having thus honourably provided for the Payment of the late King’s Debts, an Affair of more public Concern came before them. *James* King of *Scotland* had been a Prisoner in *England* ever since the Reign of *Henry IV.* wherein the Policy rather than the Justice of this Detention must be commended. However, it was now thought, that if the *Scots* King was set at Liberty, Things might be so managed with him, that a firm and lasting Peace might be established between the two Nations. And lest the Obligation should be too soon forgot, it was also proposed to give him to Wife *Jane*, Daughter to *John* Duke of *Somerset*, and Cousin-German to the young Kingⁿ. Accordingly, by Letters Patent,

A Peace with the Scots.

ⁿ The most beautiful Woman of her Time, with whom he was desperately in Love. *Buchanan’s* Hist. of *Scotland*, by *Lond.* Vol. I. p. 444.

King Henry VI. Patent, directed to certain Bishops and others, a Treaty was set on Foot at *Durham*, between the Commissioners of both Nations; and the said Letters Patent were not only confirmed by this Parliament, but the Power to deliver up the King of *Scots*, on the Conditions agreed on, was also ratified by them. The *Scots* King was released from his Captivity of eighteen Years, and married to the Lady, with whom he had a large Dower, besides many Gifts of Plate and Jewels, which her Kindred of the Nobility presented them with. At his Departure he was also induced to take an Oath of Friendship and Fidelity, say some; or, as other Historians write, did Homage to the young King of *England*, at his Castle of *Windsor*; wherein he owned that he held and claimed his Kingdom under a Superior Lordⁱ. But what are Oaths or Bonds to Kings? *James*, soon after his Arrival in *Scotland*, forgot them; and either out of a natural Affection to the *French* Nation, or else being desirous to shake off all Badges of Subjection to the *English*, he entered into a strict League with the King of *France*, and intirely deserted the other's Interest.

[180]

The rest of the Proceedings of this Parliament we shall range as follow :

Petitions in Parliament.

Edmund Earl of *March*, Son and Heir to *Roger* Earl of *March*, presented a Petition, wherein he shewed, That King *Henry* V. for the Sum of 10,000 Marks, paid to certain of the King's Creditors by the said Earl, promised to him, by Word of Mouth, his own Marriage, he being then the King's Ward, which he requests may be confirmed by Parliament; and it was granted.

Thomas Duke of *Exeter* reported, how that the late King, a little before his Death, much repented him to the

ⁱ The Oath was in these Words; 'I *James* Stewart, King of *Scotland*, shall be true and faithful unto you Lord *Henry*, by the Grace of God, King of *England* and *France*, the Noble and Superior Lord of the Kingdom of *Scotland*, which I hold and claim of you. And I shall bear you my Faith and Fidelity of Life and Limb, and worldly Honour, against all Men; and faithfully I shall acknowledge and do you Service due for the Kingdom of *Scotland* aforesaid; so help me God, and these holy Evangelists.' *Hollinghead's Chron.* p. 587.

Buchanan, according to his usual Partiality, mentions this Oath but slightly; and bestows a whole Page or two in excusing it and the King from any Ingratitude to the *English* Nation, by siding with the *French*. He was afterwards inhumanly murdered by his own Subjects. *Bond's Translat.* Vol. I. p. 464.

the said Duke, for confiscating the Land of the Lord King Henry VI. *Scrope*, upon the Attainder of *Henry*, the last Lord, and his Beheading at *Southampton*; because he since understood that the said Estate was entailed upon *Geoffrey*, *Stephen*, and *John le Scrope*, his Brothers; and that the Lord *Fitz-Hugh* and *William Porter*, to whom Part of the said Lands were given, were contented, on Proof of the Entail, to make Restitution of the same. But we do not find what the Parliament did further in it.

On the Petition of *Joan*, Queen of *England*, Wife to King *Henry IV.* the King, by Consent of Parliament, restored to her all her Dower, and the Arrears of the same, with all her Goods that were taken from her^k.

[181]

At the Petition of the Master and Brethren of the Hospital of *St. Leonard's* in *York*, it was enacted, ' That they should enjoy all their Threaves of Corn, within the Counties of *York*, *Cumberland*, *Westmoreland*, and *Lancashire*; and that they may recover the same by an Action of Debt or Detinue.' This Statute was made remarkable, by being the first Occasion of a great Revolution which happened some Years after.

It was enacted, ' That if any Person should carry out of the Realm any Staple-Ware, from the Staple of *Calais*, uncustomed, he shall forfeit the same, and make Fine and Ransom at the King's Pleasure.' Also, ' That no Licence be granted to any Person to transport any slight Looms out of *Hampshire*, *Kent*, *Sussex*, and *York*; but only to *Calais*.' But this last was only to continue to the next Parliament.

Two Foreign Ladies of Quality, who had been married, the one to the Duke of *Bedford*, and the other to the Duke of *Gloucester*, were naturalized this Parliament. The former was *Ann*, Sister to *Philip* Duke of *Burgundy*, and Wife to *John* Duke of *Bedford*, Regent of *France*; the latter was *Jaquet*, or *Jaqueline*, sole Daughter and Heiress to *William* Duke of *Bavaria*, who was married to *Humphrey* Duke of *Gloucester*. This Princess, by her Father's Death, had the Government of the Earldoms of *Hainault* and *Holland*, two large and populous Countries, descended to her; and, though married to *John* Duke of *Brabant*, yet, on Pre-
tence

^k See before, p. 161, 163.

King Henry VI. tence that her Husband was too nearly related to her before Marriage, or, as others say, for his unkind Usage of her, she left him and came into *England*, where she soon after became Duke *Humphrey's* Wife, to the great Displeasure of her former Husband, and, in the End, proved the Ruin of the *English* Interest in *France*.

[182]

An Ex post Facto
Act against Sir
John Mortimer.

Sir *John Mortimer*, of *Bishop's Hatfield*, in the County of *Hertford*, having been indicted on the Oath of one King, Servant to *Robert Scot*, Esq; Keeper of the Tower of *London*, upon the Statute of *Escapes*, an Act was made this Parliament on purpose to destroy him, alledging several other Articles against him. As, *first*, That the said Sir *John* had contrived, with him, to break out of his Imprisonment, and had promised him immediately a Reward of 40*l.* a-year, to be aiding and assisting to him in his Escape, and afterwards an Earldom. *Secondly*, That the said Sir *John* told, That after his Escape he would go into *Wales* to the Earl of *March*, and having raised 40,000 Men, would enter the Kingdom again, and cut off the Heads of the Protector and the Bishop of *Winchester*. *Thirdly*, He had told this Informant, That the Earl of *March* was rightful Heir to the Crown of *England*, and that after him he was the next Heir; wherefore, if the Earl of *March* refused to recover his Right, he himself would take upon him the Regal Power as his Due. *Lastly*, That when he came into *Wales*, if the Earl of *March* would not accept his Service, nor engage in the Cause, he would then fly into *France*, and assist the *French* King against King *Henry*, and did not doubt but in the End he should gain his Design¹.

It appears by the Record, that this Sir *John Mortimer* had been committed Prisoner to the Tower, for Suspicion of Treason done against the late King, from whence he had made his Escape the first Year of this Reign. For which Escape alone, we suppose, he was indicted, and this Indictment, by the Authority of Parliament, was allowed to be good; and the said Sir *John* being again apprehended and brought before this Parliament, Judgment was given against him, to be carried back to the Tower, and drawn from thence to *Tyburn*, there to be hang'd, drawn, and quarter'd; his Head set on *London* Bridge, and his four Quarters on the four Gates of

¹ Sam. Daniel in *Kennet*, p. 348.

of the City. 'A strange Judgment and Sentence, says ^{King Henry VI.} *Prynne*^m, that any Man in a peaceable Time should be condemned on a bare Indictment, without any Arraignment or due Trial. But it is not to be wondered at, when we consider that the Jealousy the House of *Lancaster* conceived against any Commotion in Favour of the House of *York*, was the Occasion of this Descendant of the latter being took off by so illegal and arbitrary a Manner.' 'On whose Death, says an old Historianⁿ, great Slander arose to the Contrivers of it.' And another^o remarks, 'That his Faults were believed to be Calumnies, and himself brought to so ignominious an End for that alone, which, by vulgar Politicians, is called *Reasons of State*.' The Earl of *March*, the immediate Heir, was, we may believe, more than suspected; but nothing being proved against him, it was then thought politic to send him over into *Ireland*, with Forces to secure that Kingdom, where he soon after died, without Issue, whose Inheritance descended to *Richard Plantagenet*, Son and Heir to *Richard* Earl of *Cambridge*, beheaded at *Southampton* in the late Reign^p.

[183]

There are several more Acts and Ordinances made in this Parliament, which may be seen on the Roll, being of a mighty Length, and contains in it a great deal of Business done in a very little Time; that is, only from the 15th of *January*, the Day of the Meeting of this second Session, to the 8th of *February* following.

The *French* War was still carried on by the Regent against the *Dauphin*, (who was, by his Party, stiled *Charles VII.*) with various Success; whilst the Protector on this Side, *England* being loaded with many difficult Affairs of State, thought fit to call another Parliament, in order to extricate himself out of them. The Writs of Summons were dated the 24th of *February*, and returnable at *Westminster* the last Day of *April* following. The Protector and Council thought it necessary, in order to engage both Lords and Commons more zealously in their Interests, to bring the Infant King into the House; and accordingly, on the Day of their Meet-

[184]

Anno Regni 3.
1425.

At Westminster.

The Infant-King carried to the House.

^m In his Notes on the *Abridgement of Records*.

ⁿ *Hall's Chronicle*. See also *J. Stowe*, p. 365.

^o *Biondi's History of the Civil Wars between the Houses of York and Lancaster*, p. 25. *Henry VI.*

^p *Ibid.* p. 366.

ing,

King Henry VI. ing, he was carried through the City, on a great Horse, to *Westminster*. The People flock'd in great Multitudes to behold him; and imagining with themselves that they could discern the Features and Virtues of his Father to be transplanted into him by Nature, they loaded him with loud Acclamations and hearty Wishes of a long and happy Life ^P. Being come to the Palace, he was from thence conducted to the House of Lords, and sat on his Mother's Knee in the Throne. 'It was a strange Sight, says one, and the first Time it ever was seen in *England*, an Infant sitting in his Mother's Lap, and before it could tell what *English* meant, to exercise the Place of Sovereign Direction in open Parliament ¹.' Yet so it was, for, the Commons being called, the Bishop of *Winchester*, then Lord-Chancellor, opened the Cause of the Summons in Manner following:

[185]

For the Head of his Discourse he chose these Words, *Gloria, Honor, et Pax, omni operanti Bonum*; this he divided into three Branches, *viz. Bonum honestum*, which consisted in the due Obedience of the Subject; *Bonum delectabile*, which was giving good Counsel; and *Bonum utile*, which was the free and willing Relief they owed to their Prince and Commonwealth.

By the first, he argued that God was most glorified; by the second, the Prince best honoured; by the third, the Subject's Safety better guarded. According to the Saying in *St. Luke, Gloria in excelsis Deo, in Terra Pax, et Hominibus bona Voluntas*. Glory is given to God by due Obedience in the Subjects; the Prince is honoured by having sound Advice given him; and the Subjects governed in Peace by relieving their Prince. And in this

^P *Hall's Chronicle*, Fol. xxiii. 3 *Henry VI. Hollinghead*, p. 589.—*Fabian* gives an Account of this Procession in these Words: 'Two Days before the Parlement met, the Kinge with the Queene his Moder came thorough the Cytye from *Wendesore*, and when he came at the West Dore of *Poulys*, the Lorde Protector toke him out of the Chare, and so was ledd upon his Fete, between the sayde Lorde Protector and the Duke of *Exeter*, unto the Steppes goyng into the Quyer; from whence he was borne unto the hygh Aulter, and there kneled on a Traverse purveyed for hym; and when he had ben there he yode to the Rode of the North Dore, and there made his Offerynges: And then he was borne into the Church-yerde, and there set upon a fayre Courser, and so conveyed thorough *Chepe*, and the other Streetes of the Cytye, unto *St. George's Barre*, and so held his Journey to his Manour of *Kenyngton*. In the same Manner he was conveyed thorough the Cytye to *Westminster*, to mete the Parlement.' *Fabian's Chron.* Part 7. Folio clxxi.

¹ *Speed's Chronicle*, p. 651.

this he affirmed that Princes ought to be obeyed, though they were evil; according to the Command of St. *Peter*, *Obedite Præpositis vestris*; for although they were not good in themselves, yet, as they commanded many good Things to be observed, they ought to be obeyed; and put them in Mind that, *Sicut Princeps tenetur regere legaliter, sic Plebs tenetur obedire realiter.*

On his second Division, relating to sound Counsel, he urged this Text, *Salus ubi multa Consilia*; and told them that an Elephant had three Properties; the one, in that he wanted a Gall; the second, for that he was inflexible, and could not bow; and the third, in that he was of a most sound and perfect Memory; all which Properties, by Application, he wished might be in all Counsellors. That for their wanting a Gall, they might be thereby free from all Malice, Rancour, and Envy; by being inflexible, that they should not stoop to any Reward, nor in Judgment respect any Person; and of a sound Memory, that they, by calling to Mind Dangers past, might prevent Perils to come.

His last Topic for the Relief of the King; he urged that it ought to be done with all Readiness of Mind, considering that God, by the young Prince, his chosen Vessel, there before them, had not only governed them in Safety, but had also given to them many honourable Victories and great Conquests; all which ought to enforce them more willingly to offer, that their Grants should be more readily taken. *Lastly*, He desired the Commons to go together and chuse their Speaker, and present him the next Day. Accordingly, on the 2d of May, they presented Sir *Thomas Wanton*, Knt. for their Speaker, before the King and Lords; whose Excuse not being allowed, he, with the usual Protestation, was accepted of.

[186]

Sir THOMAS
WANTON elect-
ed Speaker.

But the Business of this Session was much interrupted, by a Quarrel between two Great Men about a Right of Precedency. *John Mowbray*, Earl Marshal, and *Richard Beauchamp*, Earl of *Warwick*, were the two Antagonists, and each laid Claim to the higher Place in the Parliament-House. They were, however, commanded not to come to the House till the Matter between them

VOL. II.

N

was

Lord Coke's Character of a Member of Parliament, burlesqued by Dr. Swift, seems to have been borrowed from this Speech. *Swift's Miscellanies*, Vol. IV.

King Henry VI. was fully heard; and learned Counsel were allowed them, to plead and speak to their respective Claims. The Duke of *Gloucester*, as Protector, with the Bishops and the rest of the Peers, sat as Judges; and they, with the Members of the Lower House, were all sworn to give upright Judgment in the Cause, without Favour or Affection.

The Commons consulted in a Case of Precedency in Peerage.

The Abridger of the Rolls of Parliament has taken Pains to extract, from the Record, the Substance of the Pleas on both Sides; which is prefixed to his Account of the Proceedings of this Parliament. Therein the Pedigrees of those two Antient and Noble Families are fairly set forth, in order to support their several Claims.

For proving the Earl Marshal's Title, *Roger Hunt*, his Counsel, exhibited to the Lords a Pedigree, wherein it was demonstrated that the said Earl Marshal came of the Royal Blood, and gave the Arms of *England*, with a Difference, in his Escutcheon. The said Pedigree deduced the Earl Marshal from King *Edward I.* and shewed the Earl to be allied in Blood to the present King, from *Thomas* Earl of *Lancaster*. It also shewed that the said Earl was related to the King by the Line of the Earl of *Arundele*; wherefore the Counsel pleaded that his Client should have the Preference.

Sir Walter Beauchamp, Counsel for the Earl of *Warwick*, produced also a Pedigree; and, in shewing the great Antiquity of the Family, he proved, by many Authorities, that Antiquity hath had Superiority to the Blood Royal. By these Arguments he enforced the Title of the Earl of *Warwick*; but insisted chiefly on the said Earl's great Possessions, which he made the strongest Plea in his Favour.

[187] The Counsel for both these Earls having finish'd their Pleas and demanded Judgment^a, it might perhaps have perplexed the Ministry how to please them both, but that a Method was devised to do it effectually. The Earl Marshal had been privately required to put in his Claim for being restored to the Title of Duke of *Norfolk*, according to the Creation of *Thomas* his Father, and as Brother and Heir to *Thomas*, who died without Issue, Son of the said *Thomas* his Father^b; which Claim, when it was publicly made, was, for several Reasons, granted

^a The whole Proceedings on this Business are very long, and the Pleadings are chiefly in *English*.

^b He was beheaded for High Treason against *Henry IV.*

granted and confirmed by Parliament. By this Way ^{King Henry VI.} the Precedency was out of Dispute betwixt them, and the Earl of *Warwick* was the Occasion of helping his Antagonist to the Dukedom against his Will; which the other, perhaps, would never have obtained without it.

It may well be supposed that this Dispute between these two Noblemen took up the whole Business of the Parliament this first Session; for we meet with no other Proceeding till *May 15*, when the Duke of *Gloucester*, by Commission under the King's Letters Patent, prorogued it for a Week longer.

The first Things we find that they went upon in this ^{A Subsidy,} second Session, was, by common Assent, to grant, as an Aid, the former Subsidy on Woolls for three Years longer, and Tonnage and Poundage for one Year, upon Condition that foreign Merchants should be strictly looked to for their Duties.

The Lords of Parliament, by Name, promised, on their Honours, that they would not hinder the Bishop of *Winchester*, but further such Security as he should obtain from the King, for Money by him lent to the Government. And it was enacted, That the King's Council should have Power to give Securities to the said Bishop, and to other of the King's Creditors, for such Debts as were due to them. Also the said Bishop having obtained the King's Letters Patent to receive 20,000*l.* out of the first Money arising from the King's Customs, or Revenues of the Crown, the same was confirmed to him by Parliament.

Sir *John Cornwall*, Knt. Father-in-Law to the Earl of *Huntingdon*, then Prisoner to the Earl of *Vendosme* in *France*, having, by Assignment, the Wardenship of the Body and Lands of *John Arundel*, Son and Heir of *John Arundel*, of *Arundel*, Knt. except 500 Marks payable to the King, petitioneth that the yearly Rent of the said Estate might go towards Payment of 1800 Marks disbursed to the Earl of *Vendosme*, towards the Ransom of the said Earl of *Huntingdon*; which was granted: And, at the Petition of the said Earl, the Lords of *Gancourt* and *Tokerville*, *French* Prisoners, were delivered to the said Sir *John Cornwall* for 5000 Marks disbursed in Part of the said Earl's Ransom.

[188]

King Henry VI. On the Petition of *Anne*, late Wife of *Edmund Earl of March and Ulster*^u, it was ordained that the said *Anne* should have Livery of her Dower, upon her Oath not to marry again without the Licence of the King. This Lady was the Widow of the said Earl of *March*; and, dying without Issue, he left his Honour and Estate to *Richard Plantagenet*, Earl of *Cambridge*, his Sister's Son; who, being thereby Heir to *Lionel Duke of Clarence*, first began the Contest between the two Houses for the Crown of *England*.

Petitions.

A very remarkable Affair came before this Parliament, relating to a Quarrel then subsisting between two very great Men, *Philip Duke of Burgundy*, and *Humphrey Duke of Gloucester*, Protector of *England*. This Dispute arose about a Lady; it seems Duke *Humphrey* had married *Jaquelina*, Daughter to *William de Bavaria*, Earl of *Hainault*. This Princess was an Heiress, and, at her Father's Death, was possessed of the Dominions of *Hainault*, *Holland*, *Zealand*, and *Friezland*. She had been married before to *John, Dauphin of France*; who dying, she was afterwards betrothed to *John Duke of Brabant*; with whom quarrelling soon after, she eloped from him and came into *England*. Here she obtained a Divorce from her last Husband, by Means of an Anti-pope then in the Church, and was lastly married to *Humphrey Duke of Gloucester*.

The whole of this Affair may be seen at large in our general Historians; and we shall say no more than is sufficient to introduce the following Quotation from the Rolls of Parliament: '*Humphrey* raised Forces to recover his Wife's Dominions in *Hainault*, &c. then in the Possession of her second Husband, and went over with them and his Lady; where he was so very unsuccessful as to lose both her and her Territories, and she became reconciled to the Duke of *Brabant*. In this Contest the Duke of *Burgundy* was nearly concerned, as a near Relation

^u This *Edmund Earl of March*, &c. had been a Prisoner of State ever since the Reign of *Henry IV.* was grown lame and decrepid with Age and Confinement; but this Year was happily released from his Misery. *Hall's Chronicle*, 3 *Henry VI.* Fol. xxiii.

Shakespeare hath given us a fine Scene of this same *Edmund Mortimer* giving his last Advice to his Nephew *Richard Plantagenet*, afterwards Duke of *York*, in Prison. *Henry VI.* Part I.

lation to the former ^w; and *Gloucester*, thinking he had King *Henry VI.* played him foul Play in the Affair, several angry Letters passed between them; till at last *Burgundy* was so provoked as to send the other a Challenge; which *Humphrey* accepted of, and the next *St. George's Day* was appointed for the Combat ^x. Both Sides seeming to be in Earnest, the *English* Parliament thought fit to interpose, to prevent the ill Consequences of a Rupture with the Duke of *Burgundy*, at that Time a firm Ally to *England* against *France*: Accordingly we find, on Record, a Schedule proposed in this Parliament to reconcile these Differences, which we shall give at Length, and in its own Language, without any Comment.

Considering the full, grete, and irreparable Inconveniences that might ensue to grete Harme and Prejudice of the Kyng and of his Reumes, gys it were proceded to Execution of the Bataille in the personele Quarele and Debate bytwixt my Lord of Gloucestre and the Duc of Burgoygne, hit is thoght necessary and behoffull, that, by Assent of the three Estates assembled in this present Parlement, the Chancellor have Commaundement to do make Lettres Patente, undre the Kyng's Grete Seel, by which Power be geven and commytted to the Queenes of France and of this Land, the Kyng's Aiele ^y and his Moder, and to my Lord the Regent of France, and to itch of them, to receyve and take the said Debate into the Kyng's Hand, and to make expresse Defense and Inhibition to the said Parties, yef and whan it shall be thought to them, or any of them, and to the Kyng's Counseillis of both Reumys expedient to be doo, that thei procede no fether in, nor to Execution of, the said Bataille, nor that oon of hem ayenst that other in ony wise be wey of Fete therfore, and to offre them on the Kyng's Behalfe Administracion of Justice, swich as the Cas requireth to be doon unto them therynne, by the Kyng, at swich Time as he shall come to Yeres of Discretion, or ellis to be doon to hem nowe gif thei wolle

N 3

algates

^w *Burgundy* was own Cousin to the other.

^x The Duke of *Gloucester* had borrowed 20,000 Marks of the Public Treasure, to enable him to raise Forces for the Recovery of his Lady's Dominions in *Flanders*, which was to be repaid in a certain Term of Years, and it was now ordained by Parliament that the Lords of the Council should take Securities for it.

^y *Aiele* is Grandmother, and not Grandfather, as the Abridger has falsely translated it.

King Henry VI. *algates desire it. Item, That Power be yeven unto the Kyng's Counsaill here, by the Authority of the thre Estat assembled in this Parlement, to lete and alsoe to sende Ambassade to the Duc of Burgoygne, and to any other Person or Persones there, as it shall be thoght unto the Counsaill here behoffull or necessarie on the Kyng's Behalve and Name, expressing it done by th' Advys of the thre said Estates; and alsoe in the Name, and on the Behalve, of the said thre Estates to mean to sire and to induce the said Duc of Burgoygne and all othor that it shall be thoght expedient in the Matier of the foresaid Debate, and also in the Matier of the Depoos and putting of my Ladies Person of Gloucestre out of the Hands of the said Duc of Burgoygne into indifferent Hand.*—Thus far the Record of this Matter.

- [189] There were several Acts made for the public Benefit this Parliament; the chief of which are, 1. Against the Exportation of Sheep beyond Sea, without the King's Licence; because, by carrying of Sheep into *Flanders* and other Parts, the Wooll of *England* would at length become of little Value, and the Woollen Manufacture of the Nation be greatly diminished. To remedy this they laid on a heavy Tax of 43 s. a Sack upon exported Woolls, which was 10 s. more than ever was paid before for the like Quantity. 2. For the Exportation of Butter and Cheese, to encourage Husbandry; giving the Chancellor of *England* Leave to grant Licenses, at his Discretion, to such Persons as shall desire to vend the said Articles in foreign Parts, as well as at the great Staple at *Calais*. 3. That all Merchant Strangers, within fifteen Days after they are landed in any Port of this Kingdom, shall take Lodgings, or other Habitations, in the Town or Place where the Port is, under some *Englishmen*; and shall not make any Sale of any Goods or Merchandize till they are so settled, and then shall sell all their Merchandize within forty Days next ensuing; and if any Goods remain unsold after that Time, they shall be forfeited to the King's Use. This Act was intended for a double Benefit; *first*, That the King might not be defrauded of his Customs; and *next*, That Strangers might not, by keeping of their Goods and Merchandizes, understand the Wants of the Nation, and so raise the Prices.

Several Acts passed for the Benefit of the Nation.

[190]

Prices. After passing these, and several more Acts, this King Henry VI. Parliament was dissolved on the 14th of July the same Year, and the Members sent back into their own Countries ².

About this Time it was that another dangerous Quarrel between the Lord-Protector and the Bishop of Winchester referred to Parliament. Quarrel was set on Foot between two very great Men, both chief Supporters to the House of Lancaster, *Humphrey*, Lord-Protector, and *Henry Beaufort*, the rich Bishop of *Winchester*, Great Uncle to the King.

The latter of these, by his Magnificence and Grandeur, seemed so much to out-shine the Protector himself, though almost on the Throne, that he drew on him the Odium and Jealousy of the other. The haughty Spirit of the Bishop, being Legate to the Pope in *England*, was so great, that the Protector could not endure his Pride; and such an implacable Enmity grew between them, that great Parties were raised, on both Sides, for each other's Defence. In short, a Civil War was much dreaded would be the Consequence; and all that their mutual Friends could do was not sufficient to pacify the Mind of the Protector, or to make the Prelate yield any further than, as he thought, was becoming his high Place and State. In this Situation the Bishop, however, thought proper to write a Letter to the Duke of *Bedford*, Regent of *France*, to come over and endeavour to heal Matters between them. The Duke came accordingly, and calling a Council of the chief Nobility at *St. Alban's*, many hot Contests arose; and, nothing being concluded at that Time, it was adjourned to *Northampton*, but to as little Purpose, till at last it was determined that these Differences should be referred to Parliament. Accordingly Writs of Summons were issued out, dated *Westminster*, Jan. 7, for one to meet at *Leicester* on the 18th Day of *February* following.

[191]

Anno Regni 4.
1426.
At Leicester.

At which Time and Place being assembled, in the great Hall of the Castle of *Leicester*, much Care had been taken to prevent any Tumults between the great Trains of the Protector and the Bishop, by strictly prohibiting

² A Petition of the Commons was exhibited this Parliament, That all Parsons, Vicars, and others, having Cures, and not resident upon them, may forfeit their Benefices; one Half to the King, and the other Half to the Patron. Answer. The King hath commanded the Archbishops of *Canterbury* and *York* to provide a Remedy. Rot. Parl. 3 Henry VI.

King Henry VI. biting any Person whatsoever to come thither with Swords or any other warlike Weapon. Which Order, though it was literally observed, yet the Lords and their Attendants came armed with Batts, or great Clubs, on their Shoulders; from whence this Meeting got the Name of the *Parliament of Batts*; but this also, as soon as it was taken Notice of, was prohibited^a. Being all, at length, set in a peaceable Manner, as aforesaid, the young King being there also present, the Bishop of *Winchester*, as Lord-Chancellor of *England*, declared the Cause of the Summons, in a very short Manner; for, after telling them that the King's Will was, that all Estates should enjoy their Liberties, he took his Subject from these Words of *St. Paul*; *Sic facite ut salvi sitis*.

The Parliament
of Batts.

[192]

These the learned Prelate divided into three Parts, and referred them, ' *First*, To God, for protecting the ' Faith of the Church, against all Invasions from *Lollards* and Heretics; *secondly*, By imparting sound ' Counsel; and, *lastly*, By granting the several need- ' ful Subsidies. By which, he affirmed, three Virtues ' and Conveniences would follow, *viz.* Glory to God, ' by protecting his Faith; Honour to the King, by re- ' ceiving good Advice; and Peace to the Subject, by ' their liberal Grants. In all which he desired, that ' every Estate of this Parliament would labour; and ' that the Commons would chuse, and the next Day ' present, their Speaker.'

Sir RICHARD
VERNON chosen
Speaker.

The King's Letters Patent were read, whereby he appointed *John* Duke of *Bedford* his Commissioner, to prorogue and dissolve this Parliament at his Pleasure. Great Tumults, we suppose, arising again, obstructed the Business of this Parliament; for it was not till the 28th Day of *February* that the Commons presented, before the King, Sir *Richard Vernon*, Knight, to be their Speaker; who, with the common Protestation, was allowed.

Then the Commons expressed their great Dislike to the Dissentions between Duke *Humphrey* and the Bishop of *Winchester*; and moved for their Reconcilement. On which, the Duke of *Bedford*, some Bishops, and other

^a After this they took Stones and Plummets of Lead, and hid them in their Sleeves and Bosoms, *Fabian's Chron.*

other Lords, made a solemn Decree amongst them-^{King Henry VI.} selves, to hear and determine the said Difference, without Favour or Affection; and, at the same Time, to give no Encouragement to either of them to break the Peace. Which Order, after every one of the Lords had sworn to observe, they sent a Copy of it to the Commons. They then proceeded in the Matter, and, at length, caused the said Duke and Bishop, by their formal Instruments, to have their Disputes compromised, and referred to the Decision of a select Committee of certain Bishops and Lords; who, after some Time, came to this Resolution about them: *First*, That the said Bishop of *Winchester* should submit himself to the King's Mercy; which he did accordingly. And then the Duke of *Bedford*, in open Parliament, pronounced the said Bishop innocent of what was alledged against him, in that he procured a Person to murder the late King, when he was Prince, as the Murderer himself confessed, who was drowned by the Earl of *Arundele*. And also in that he should counsel and advise the said Prince to have deposed *Henry IV.* his Father. Likewise it was awarded by the said Committee, That the Bishop should acknowledge his Offence to the Duke of *Gloucester*, and, in a submissive Manner, ask his Pardon; that the said Duke should freely forgive him; and, in Token of a thorough Reconciliation, each should take the other by the Hand; which was accordingly done before the whole Assembly. Some Time after the Bishop of *Winchester* petitioned the Parliament to be discharged of the great Seal, as Chancellor, which, by common Consent, was granted.

[193]

This is all the Account which the Abridger of the Records has thought fit to extract, relating to this strong Contention between these two Noblemen; who, tho' so nearly related as Uncle and Nephew, yet they still carried on that implacable Malice against each other, as ended not but in the Death of one or both of them. However, the Record of this Parliament itself, and even our older Chronicles, are not so silent in this Matter; they tell us, that when the Affair of the Quarrel was brought before the Parliament, and each Party allowed to plead his Cause freely, the Protector, who looked upon himself as the Person aggrieved, exhibited five Articles

King Henry VI. ticles against the Bishop, to all which he was urged to give in his Answer. Which Articles, being very extraordinary, and then thought not unworthy a Parliament's Notice, cannot be beneath the Reader's Perusal.

ARTICLES ^a of Accusation presented to the Parliament, by the Duke of Gloucester, against Henry Bishop of Winchester, with his Answers to them severally.

Articles against
Henry Beaufort,
Bishop of Win-
chester, with his
Answers,

[194]

I. That *Richard Woodville*, Esq; Keeper of the Tower of London, did, by the Instigation and Encouragement of the said Bishop of *Winchester*, deny Admittance to him the said Duke of *Gloucester*, then being Protector of the Kingdom, into the Tower, contrary to Reason and Duty, and in Derogation to the King's Authority.

To this Article the Bishop answered, ' That while
' the Duke of *Gloucester* was gone into *Hainault*, it
' happened that many Pamphlets and Reports being
' dispersed up and down the City of *London* tending to
' Rebellion, it was ordered by the Lords of his Maje-
' sty's Council, that *Richard Woodville*, Esq; should,
' with a sufficient Number of armed Men, have the
' Keeping of the Tower, and should not permit any
' Man to come into the Tower stronger than himself,
' without the special Commandment of the King, by
' the Advice of his Council. After this strict Charge
' the Duke of *Gloucester* returning out of *Hainault*, and
' not approving the fortifying the Tower, told the
Citizens,

^a A Copy of these Articles is in *Hall's* and *Hollinghead's Chronicle*; but they are only five in Number. The Answer the Bishop gave to the Substance of the Letter is made a separate Article. The Letter itself, which the Bishop of *Winchester* sent to the Duke of *Bedford*, is preserved in our old Chronicles, in its original Language, as follows :

' Ryht Highe and mighty Prince, and my Righte Noble and, after one,
' leveſt Lorde, I recommend me unto you with all my Harte. And as you
' deſyre the Welfare of the King our Sovereign Lorde, and of his Realmes
' of *Englande* and *Fraunce*, and your awne Health and ours also, ſo haſt you
' hether, for, by my Trouthe, if you tary we ſhall put this Lande in Ad-
' venture with a Felde, ſuch a Brother you have her. God make hym a
' good Man. For youre Wiſdom knoweth that the Proſite of *Fraunce*
' ſtandeth in the Welfare of *Englande*, &c. The bleſſed Trynity keepe you.

' Written in greate Haſte on *Albalow Even*, by your true Servaunt to my
Life's Ende,
HENRY WINCHESTER.

See the Oath of the Lords, and the Arbitration, in *Hall's Chronicle*, Fol. xxviii.

‘ Citizens, who were dissatisfied at it, *That had he King Henry V.*
 ‘ *been in England it should not have been so*; and imme-
 ‘ diately going to the Tower demanded Admittance,
 ‘ but *Woodvile*, not daring to give him Entrance, came
 ‘ to the Bishop of *Winchester* for Advice, who told him,
 ‘ *That the Duke of Gloucester took more upon him than*
 ‘ *he ought, and that before he admitted him into the Tower*
 ‘ *he ought to provide himself a sufficient Warrant of the*
 ‘ *King and Council for his so doing contrary to the former*
 ‘ *Order.*

II. That the Lord Bishop of *Winchester*, without the Advice or Consent of the Lord Duke of *Gloucester*, or of his Majesty’s Privy Council, contrived and purposed to lay Hands on his Majesty’s Person, and to have removed him from *Eltham*, the Place that he was then in, to *Windfor*, there to put him under the Government of such Persons as he pleased.

The Bishop’s Answer to this Article was, ‘ That he
 ‘ never could propound to himself any Advantage by
 ‘ removing the King, or taking him into his Custody or
 ‘ Charge, nor did ever intend to meddle with any Thing
 ‘ about the King’s Person, without the Advice of the
 ‘ Privy Council, as in Time and Place he could prove.

[195]

III. That the Lord Bishop of *Winchester*, knowing that the Duke of *Gloucester* had resolved to prevent his Design of seizing the King’s Person at *Eltham*, laid wait for him, by placing armed Men at the End of *London Bridge*, and in the Windows of the Chambers and Cellars in *Southwark*, to have killed him, if he had passed that Way; all which is against the King’s Peace, and Duty of a true Subject.

The Bishop’s Defence to this heavy Charge was this,
 ‘ That true indeed it is that he did provide a certain
 ‘ Number of armed Men, and set them at the Foot of
 ‘ *London Bridge*, and other Places, without any Inten-
 ‘ tion to do any bodily Harm to the Duke of *Gloucester*,
 ‘ but merely for his own Safety and Defence, being in-
 ‘ formed by several credible Persons, that the Lord Duke
 ‘ of *Gloucester* had purposed bodily Harm to him, and
 ‘ gathered together a Company of Citizens for that
 ‘ End.

IV. That the late King *Henry V.* told him, That, when he was Prince, a Man was seized in his Chamber,
 who

King Henry VI. who was hid behind the Hangings, and confessed, after his Apprehension, that he was set at work by the Bishop of *Winchester*, to kill the Prince in his Bed. He was delivered to the Earl of *Arundele*, who drowned him in a Sack in the *Thames*.

To this Accusation the Bishop replied, ' That he ' was ever a true and faithful Subject to his Sovereigns, ' and never purposed or contrived any Treason against ' any of their Persons, and especially against his Sovereign Lord King *Henry V.* And this he thought was ' sufficiently evident to any, that considered the great ' Wisdom and Courage of the said King, and the great ' Trust he reposed in him so long as he remained King, ' which he would not have done had he found him guilty ' of such Unfaithfulness to him while he was Prince.

[196] V. That the Bishop of *Winchester*, in the Sickness of King *Henry IV.* advised his Son Prince *Henry* to assume the Government of the Nation before his Father's Death, as the said Prince himself told him.

The Bishop replied, ' That this was meer Calumny, ' which could not be proved ; and he hoped the Parliament would appoint them Judges, that he might vindicate his Honour, or else leave him to sue out his ' Right before suitable Judges.

VI. That the Lord Bishop of *Winchester* had, in his Letter to the Duke of *Bedford*, plainly declared his malicious Purpose of assembling the People, and stirring up a Rebellion in the Nation, contrary to the King's Peace.

The Bishop's Answer to this Accusation was, ' That ' he never had any Intention to disturb the Peace of the ' Nation, or raise any Rebellion, but sent to the Duke ' of *Bedford* to come over in Haste to settle all Things ' that were prejudicial to the Peace ; and though he had ' indeed written in the Letter, *That if he tarried, we shall put the Land in Adventure by a Field, such a Brother you have here ;* he did not mean it of any Design of his own, but concerning the seditious Assemblies of Masons, Carpenters, Tilers, and Plaisterers ; ' who, being distastd by the late Act of Parliament ' against excessive Wages of those Trades, had given ' out many seditious Speeches and Menaces against the ' Great Men, which tended much to Rebellion ; and ' yet the Duke of *Gloucester* did not use his Endeavour,

‘ as he ought to have done in his Place, to suppress such King *Henry VI.*
 ‘ unlawful Assemblies, so that he feared the King and
 ‘ his good Subjects must have made a Field to with-
 ‘ stand them : To prevent which, he chiefly desired the
 ‘ Duke of *Bedford* to come over.’

This Charge, and the Answers to it, being thus deli- Which are re-
 vered into the Parliament, the further Examination of it ferred to a select
 was, by the Houses, devolved upon a select Number of Committee.

Lords, viz. *Henry* Archbishop of *Canterbury*, *Thomas*
 Duke of *Exeter*, *John* Duke of *Norfolk*, *Thomas* Bishop
 of *Durham*, *Philip* Bishop of *Worcester*, *John* Bishop
 of *Bath*, *Humphrey* Earl of *Stafford*, *Ralph* Lord *Crom-*
well, and Master *Alnewyke*, Keeper of the Privy Seal ; [197]
 who, having thoroughly examined all Matters, acquitted

the Bishop, and, by a formal Award, enjoined them to
 be firm Friends for the future ; and by such Inducements
 wrought upon them, that they shook Hands, and parted
 with all outward Signs of perfect Love and Agreement,
 which gave a mighty Satisfaction to all People, both of
 the Clergy and Laity. And the King, by the Advice

of his Council, made a magnificent Feast at *Whitsuntide*,
 to rejoice for this happy Reconciliation. At this Feast
 the Duke of *Bedford*, Regent of *France*, Knighted King
Henry, who immediately made *Richard Plantagenet*
 Earl of *Cambridge*, Duke of *York* ; and restored *John*
 Lord *Mowbray*, Earl Marshal, Son of *Thomas* Duke of
Norfolk, who was banished by *Richard II.* to the Title
 and Stile of Duke of *Norfolk* ; and made above forty
 others Knights. After this the Parliament sat till the
 15th of *June* following ; but did nothing more than raise
 a Supply of Men and Money to carry on the Conquest
 of *France*, which were gathered out of the great Cities
 and Towns of the Kingdom chiefly.

The Bishop ac-
 quitted of the
 Charge.

A Reconciliation
 between him and
 the Duke of
Gloucester.

The whole Business of this Session of Parliament was
 almost employed in settling the Differences between
 these two Great Men, very little else of Moment being
 done at it. What is anywise significant is as follows :

After the Bishop of *Winchester* was discharged of the
 Chancellorship, *John* Bishop of *Bath* and *Wells* was
 also dismissed from being Treasurer of *England* ; and the
 latter delivered to the Duke of *Bedford* the King's Great
 Seal of Gold, in a Leathern Bag, which the Duke took,
 shewed

King Henry VI. shewed it openly, and afterwards gave the same to *John Kempe*, Bishop of *London*, as Chancellor of *England* ^c.

The Bishop of *Durham*, by Virtue of a Privy Seal to him directed, delivered the Last Will and Testament of *Henry V.* which was sealed with the Great and the Privy Seals of the Private Signet, to the Lords of the Council, who gave the same to the Safe-keeping of Master *William Alnewyke*, Keeper of the Privy Seal. It was then also enacted, That the Lords of the Council shall have full Power to bind the King, his Heirs and Successors, to his Creditors in one Security for 40,000 *l*.

[198]

It was enacted, That the King's Council should have Power to end all such Bills as are not finished by Parliament. And, *March 20*, the Chancellor of *England*, by a Commission from the King, prorogued this Parliament from the same Day, unto *Monday* next after the Feast of *St. George*, at *Leicester* aforesaid.

But, tho' this Prorogation was only to the latter End of *April*, we hear of no more of their Proceedings till the first Day of *June*, the Day of their Dissolution; when, by common Assent, the same Subsidy on Wools, &c. with Tonnage and Poundage, was granted for two Years, as in the preceding Parliaments.

A Subsidy.

Attack upon the Clergy.

But, in the Petitions of the Commons in this Parliament, we find that another Stroke was made at the Clergy; which was, That no Man should make any Advowson, Presentation, Collation, or Induction, to any Foreigner, of any Benefice or other Ecclesiastical Dignity, on Pain of a *Præmunire*; and that every Person might present again for the Non-Residence of the Incumbent. To the first, the King will be advised; and to the other, the Bishops have promised to take Order therein.

The Pope's Menacing Letter to the Parliament, to repeal the Statute of Provisors.

It is probable these Answers of the King to the Petitions of the Commons, on the foregoing Heads, which amounted in the first to a Denial of passing the Bill, proceeded from the strong Remonstrances which *Martin V.* then Pope, had made both to the King and Parliament against it. The Pope's Letters on this Occasion are preserved by Bishop *Burnet*; the latter of which to the Parliament, requiring them utterly to repeal the Statute of Provisors, is so singular as to deserve

^c Soon after made Archbishop of *York*, *Le Neve's Fasti Ecc. Ang.*

a Place in these Inquiries, in its own Language, under King Henry VI. this Note ^d. The next Instrument, from the same Authority, contains the Substance of a Speech made by the Archbishop of Canterbury to the House of Commons, to move them to a Repeal of that Act.

[199]

Upon the 28th of February, this Session, the Archbishops of Canterbury and York; the Bishops of London, The Archbishop of Canterbury's Speech to the St. Commons, in Favour of the Pope's Demand.

d Martinus Episcopus, Servus Servorum Dei, venerabilibus Fratribus & dilectis Filiis, Nobilibus viris Parliamenti Regni Angliæ, Salutem & Apostolicam Benedictionem.

Multis nunciis ac frequentibus exhortationibus, pro debito pastoralis officii, vos ac Regnum vestrum bætænus admonuimus, ut pro salute animarum vestrarum, & ipsius Regni Honore quoddam detestabile Statutum contra Divinum & Humanum Jus editum, quod sine interitu salutis æternæ nullatenus servari potest, aboleretur. Et quoniam id sine Parlamento tolli non posse, ex parte Charissimi in Christo Filii nostri Henrici Regis Angliæ illustris, Dilecto Filio Magistro Juliano Causarum curiæ Camera Apostolicæ Auditori, tunc Nuncio nostro, responsum extitit, in quo (quam primum possit) convocato, quod sibi possibile foret pro nostræ Requisitionis executione se facturum, idem Rex pollicitus est, protestans Juribus ac Privilegiis Sanctæ Romanæ Ecclesiæ & Sedis Apostolicæ in nullo velle detrabere aut derogare. Nos volentes solita erga vos mansuetudine uti, decrevimus usque ad ipsius Parliamenti tempus expectare, sperantes quod tam Rex juxta suam Regiam Promissionem, quam vos pro salute animarum vestrarum, Sanctæ ac Catholice secundum nostram Requisitionem concludetis. Itaque cum Parliamentum (ut fertur) jam inflet, vos omnes quorum animas nostræ curæ Dominus noster Jesus Christus commisit, hortamur, monemus, obsecramus, ut unanimes vestrarum animarum salutem, ac conscientiarum puritatem præ cæteris rebus amantes, prædictum abominabile Statutum (quod qui observat vel observari faciat salvum non potest) penitus tollatur, & de Regno in perpetuum aboleatis. Quod si quis forsitan vobis contrarium persuadere audeat, quicumque ille sit, Sæcularis vel Ecclesiastici Status, tanquam hostem animarum vestrarum & honorum nullatenus audite; nec eum virum Catholicum reputetis, qui adversus Romanæ Ecclesiæ Autoritatem, Juræque & Privilegia Sedi Apostolicæ Divinitus concessa, aliquid machinari præsumpserit, quous ipse Rex vester Illustris nolle ullatenus derogare publice protestatus est. Nos quidem ipsi sumus ab omnipotenti Deo Jesu Christo, super vos & Universalem Ecclesiam constituti, ejus Doctrinæ ac persuasioni sine ulla Contradictione omnimodam fidem vos & quilibet Christianus habere debetis: Nos tamen etsi indignos, oves suas pascere Christus voluit, clavesque aperiendi ac solvendi Cælos tradidit. Et si quis nos audit, servi Christi testimonium Christianum audit; & si quis nos spernit, Christum spernere convinctur. Et quoniam de vobis ac singulis Christianis in districto Dei Judicio rationem reddiduri sumus, ideo vos pro salute vestra tam sepe tamque efficaciter admonemus; & ne quisquam sub alicujus damni temporalis prætextu vos ab hac nostra Catholica Doctrina submoveat, ecce nos promptos paratosque offerimus, omnibus causis, propter quas dictum Statutum conditum esse prætenditur, salubriter providere, ita ut nec Regno nec cuiquam privata personæ præjudicium aliquod ex ipsius Statuti abolitione possit accidere. Super his omnibus et nostra intentione, plene instructo dilecto Filio Magistro Joanni de Obizis, in dicto Regno Nuncio & Collectori nostro, dabitis Cædentiæ plenam fidem.

Dat. Romæ, apud Sanctos Apostolos, tertio Die Octobris, Pontificatus nostri Anno decimo.

Bishop Burnet's Collection of Records, Vol. 1. p. 99.

King Henry VI. *St. David's, Ely, and Norwich*; with the Abbots of *Westminster* and *Reading*, went to the House of Commons, then sitting, according to Custom, in the Refectory of the Abbey of *Westminster*: And here the Archbishop of *Canterbury* declared the Occasion of his coming, premising a Protestation, that neither himself nor any of his Brethren intended to offer any Thing in Prejudice of the King's Prerogative, or any other Part of the Constitution. After this preliminary Discourse he took this Text for the Subject of what he designed to say, *Render unto Cæsar the Things that are Cæsar's, and unto God the Things that are God's*. From these Words he took Occasion to state the Ecclesiastical and Civil Jurisdictions, and to point out the Barrier between the Church and State. From hence he went on to the Pope's Supremacy; and that the granting Provisions was one Branch of this Privilege, he attempted to prove from Scripture, Prescription, and the general Consent of Christendom. He therefore requested the Commons to consider how much the Salvation of their own Souls, and the Happiness of the Kingdom, was concerned in giving the Pope Satisfaction; putting them in Mind of the Danger of an Interdict, unless the Statute of *Præmunire* was repealed: And after he had pressed the Matter home, and discovered a great deal of Heartiness and Zeal in the Affair, even with Tears in his Eyes, he withdrew with the rest of his Brethren. The Commons debated the Matter, but were not satisfied, it seems, with the Archbishop's Arguments, for they came to no Resolution either for repealing or explaining the Act above-mentioned; but, on the contrary, resolved to petition the King as aforesaid ^c.

[200]

To which the
Commons pay
no Regard.

The War with *France* still continued to be carried on with great Vigour on both Sides; but the *French* King and his Party had the worst of it by far, till the unfortunate Siege of *Orleans* was undertaken; which being raised by that wonderful Heroine, *Joan la Pucelle*, the *English* Interest in that Kingdom, from that Time forward, began to decay. A fresh Supply being much wanted for the War, Writs of Summons were ordered out for calling a Parliament to meet at *Westminster* on the *Quindene*

Anno Regni 6.
1428.
At *Westminster*.

^c Burnet, ut supra.

Quindene of St. Michael, or Oct. 13, in the Year 1428; King Henry VI. when, being all assembled before the King in the Painted Chamber of the Palace, *John Kempe*, Archbishop of York, then Chancellor, opened the Cause of the Summons, taking for his Text these Words out of *Macca-bees*, *Sine Providentia Regali impossibile est Pacem Rebus dare*; from which he deduced two Heads of Discourse.

[201]

‘ The first was the Duty of the Prince towards his Subjects; and the other the Duty of the Subjects to their Prince. The first of these he again subdivided into three other Points belonging to it; that the Subjects should be defended from any foreign Invasion; that Justice should be indifferently administred; and that Peace should be kept within the Realm. Three Things, he said, also belonged to the Subjects; first, that they should grant large Supplies for their better Defence in Time of War; in Peace, that they would readily obey their Magistrates, and meekly to submit themselves to the known Laws of the Land. All which the better to accomplish, the King had called this Parliament, and confirmed all their Liberties: And, that Business might be sooner begun and ended, he desired the Commons to make Choice of a Speaker and present him the next Day before the King.’ Accordingly the Commons chose *John Tyrrel*, Esq; whose Excuse not being allowed, with the usual Protestation, he was admitted.

JOHN TYRREL,
Esq; elected
Speaker.

This Parliament sat, from the Date aforesaid, to the 8th of *December*; but no Account of any Business done at it is given us. By reason of *Christmas* Holidays, it was then prorogued, by the Lord-Protector, to the *Quindene* of St. Hilary, or the 28th of *January* following.

The first Thing we find then mentioned, is the Grant of a Subsidy, (tho’ no doubt it had been settled in the first Session) which was 3 s. a Ton for all Wine imported, and 12 d. in the Pound for all Merchandize: Wooll, Wooll-fells, and all Manner of Woollen Cloth exported, to pay nothing. Besides this, there was an uncommon Sort of a Tax granted by this Parliament in the Nature of a Poll-Tax; That all Inhabitants, Householders, within every Parish of the Realm, Cities and Burghs excepted, so that there be ten Persons keeping House in such Parish, shall pay to the King 6 s. 8 d.

An extraordinary
Tax, with
a Subsidy.

King Henry VI. of their Goods and Moveables. And over, that every Householder inhabiting in each Parish, where there are ten of them, and whose Churches extend to the Value of ten Marks, shall pay to the King 13 s. 4 d. Also, That every Inhabitant Householder within the Cities and Borough Towns of this Kingdom, the Value of whose Parish Church amounts to the Sum of 20 s. *per Annum*, shall pay to the King 2 s. and so above to the highest Value of the said Churches; saving to those Cities and Boroughs their Franchises and Liberties. Also every Person, being in Possession of Freehold Lands to the Value of a whole Knight's Fee, shall pay 6 s. 8 d. and after that Rate to the fourth Part of a Knight's Fee, to be paid at the Times ascertained. Trusting always that the Lords Spiritual will tax themselves a whole Disme, for the Defence of the King and Realm afore-said. No Member of Parliament to be either a Commissioner or Collector of this Tax.

[202]

Public Acts.

Several useful Statutes were passed this Parliament; *First*, That, by reason of the quick Return of *Capias's* in the Kings Bench, *Exigents* were granted and awarded, whereby divers Persons being, by base and fraudulent Practices, outlaw'd, their Goods and Chattels were immediately seized as forfeited to the King; and so divers of his Majesty's good and faithful Subjects were utterly undone, as by Complaint of the Commons in Parliament doth appear: Therefore, before any *Exigents* shall be granted for the future, every *Capias* shall be directed to the Sheriffs, at least Six Weeks; and if, upon the Return, the Judges shall think fit to grant an *Exigent*, they may proceed as formerly; but that if any be granted before the Return of the Writ, they shall be void.

Secondly, That Sheriffs shall be obliged, under the Penalty of Forty Pounds, to deliver to all Plaintiffs, Tenants, or Defendants, a true Copy of their Pannels six Days before the Assizes, when they shall be so requir'd by the said Plaintiffs or Defendants.

Thirdly, Whereas Sheriffs, by corrupt Juries, have been wrongfully indicted to the Justices of Assize, for making false Returns of the Knights chosen in their several Shires to serve in Parliament, by which Means the Sheriffs were liable to pay 100 l. Forfeiture, and the Knights lost their accustom'd Wages in Parliament, without

without Remedy ; therefore it was enacted, That the Sheriffs and Knights, against whom any Inquests or Offices of undue Election are found, shall, for the future, have their Answer and Traverse to such Inquests and Offices, and shall not be endamaged till duly convicted.

Fourthly, It was ordained also by this Parliament, That several Commissions of Sewers should be issued out by the Chancellor of *England*, into different Parts of the Kingdom, to cleanse and repair all Walls, Ditches, Gutters, Bridges, Wears &c. to prevent the great Inundations of the Sea and Rivers, which had then happened in divers Parts of the Nation. And a Form of a Commission was composed on purpose that it might be the more effectual ; and an Order is annex'd to it, That for ten Years next ensuing they should be so strictly executed, that all Water-Courses should be cleans'd, and the Nation secur'd against frequent Inundations.

Some Matters of less public Concern next occurs ; as that it was ordained, by the King and the other Estates of the Realm, that no Man should contract or marry himself to any Queen of *England*, without a Special Licence first obtained from the King, on the Forfeiture of all his Lands and Goods to the Crown. It is remark'd by the Abridger, That the Bishops and the inferior Clergy agreed to this Bill, so far as not to contradict the Laws of God and the Church, and so as no deadly Sin should be occasion'd by it. But this Act is not on the Roll ; though it is probable it was then made on Occasion of the humble Marriage of Queen *Katherine* ; who, about this Time, had thought fit to take to her Bed *Owen Tudor*, a *Welsh* Gentleman of no great Fortune, but said to be descended from their *Cadwallader*, the first of the *British* Princes, and a long Race of his Descendants †.

The Queen Dowager marries *Owen Tudor*.

Although the Breach between Duke *Humphrey* and the Bishop of *Winchester* had been in some Measure closed by a formal Concord and Agreement, made publicly in the last Parliament, yet it was too wide, at first, ever to admit of a thorough Re-Union. The Prelate, by his Interest or his Money, had found Means to obtain a Cardinal's Hat from *Rome* ; and, by this Elevation in the Church, thought himself more than equal,

The Bishop of *Winchester* made a Cardinal.

King Henry VI. in Dignity, to the Protector of *England*. The latter's Jealousy, in being eclipsed, we may suppose, occasioned a Motion being made, in this Parliament, to both Houses, by himself, for explaining the Title and Power of a Protector, or Defender of the Realm; affirming, that he would not sit in the House till he understood what it was, since, as he said, People spoke differently of it.

[204]

The Power of a
a Protector of
England assigned
by Parliament.

This Affair was taken into Consideration by the King's Council and the Lords of Parliament; and, after due Deliberation, this Answer was returned to the Duke by them: 'That they did not think he had any great Right to be Protector; yet, to satisfy his Desire, they were content he should be so, and have such Power as was allowed him by Parliament in the first of this Reign. But, that the Name of the *Protector* and *Defender* imported only a personal Duty of Attendance, in the actual Defence of the Realm against foreign Enemies and inward Rebels; and not any particular Authority, such as properly belongs to Tutors, Lieutenants, Governors, or Regents; for if they had designed otherwise they then would have expressed it at the Time aforesaid. Thus it was allowed that, in Council, as principal Counsellor, he had Preheminence; but, in Parliament, he had no Claim to any higher Place than as Duke of *Gloucester*; so they desired him to be content with his Place in Parliament and with the other Power assigned him, for they should agree to no other Determination.' This Order, or Award, was subscribed by all the Bishops, Lords, and others of the King's Council there present. Lastly, it was enacted, by Consent of Parliament, That the Lords of the King's Council should have full Power to determine all Petitions not yet ended, with the Advice of the Judges. And, accordingly, several Bills and Petitions were answered and indorsed, by certain Lords, named in the Record, who met in the Star-Chamber for that Purpose.

J. Stowe tells us of an odd Affair that, he says, happened this Parliament, which was this;

A Female Re-
monstrance to
Parliament a-
gainst the Duke.

'One Mistress Stokes, with divers other stout Women of *London*, of good Account and well apparelled, came openly to the Upper House of Parliament, and
'deli-

‘ delivered Letters to the Duke of Gloucester, to the King Henry VI.
 ‘ Archbishops, and other Lords there present, contain-
 ‘ ing Matters of Rebuke and sharp Reprehension to the
 ‘ said Duke of Gloucester, because he would not deliver
 ‘ his Wife *Jaqueline* out of her grievous Imprisonment,
 ‘ being then detained Prisoner by the Duke of Burgun-
 ‘ dy, and suffering her there to remain, unkindly, whilst
 ‘ he kept another Adulteress, contrary to the Law of
 ‘ God, and the honourable Estate of Matrimony &c.’

What good Success this virtuous Remonstrance, from the Ladies, had, our Author is silent; we may very well suppose their Arms were too feeble to hurt so great a Man as the Lord-Protector.

[205]

But, to verify what this old Historian has given us, we find, in the Proceedings of this Parliament, a Petition from the Commons to the same Purpose: And that it might have the greater Weight with it, it is tacked as a Novelty to the Grant of a Subsidy, and the other Tax annexed. We shall make no Scruple therefore to give it the Reader in its own Words, and also without any other Comment.

ALSO forseene that my Lady of Gloucester liveth in so grete Dolour and Hevyness, and hath so lamentably written to our Soverain Lord, and to all the Estates of this noble Roiaume to be pourveyde fore be way of Tretee, or in otherwise, be the hie Wisdome of our Soverain Lord, and the habundant Discretion of the Lords of his Counseill, that her Persone and the Alliance betwene this noble Roiaume and hir Landes, had and continued, be put in Salvete and Sickernesse, in singular Comforte of the said Commens, and of all that they been comyn for.

This Parliament sat this Time from January 28 to the 25th of March following, which was in the Year 1429, the Day the foregoing Tax and Subsidy were granted. For it was always the Custom in all foregoing Parliaments as well as this, never to give any Money till all their Petitions and Grievances were answered and redressed. Though it is as customary also to find these Grants entered the first on the Rolls of any Business done in each Parliament.

King Henry VI. This very Year, 1429, being the 8th of this King,
 Anno Regni 3. another Parliament was summoned to meet at *Westmin-*
 1429. *ster* on the Day after the Feast of St. *Matthew*, or *September* 22; and being all assembled, the King himself
 At *Westminster*. sitting in the Chair of State, in the Painted Chamber,
John Kempe, Archbishop of *York*, Lord Chancellor,
 opened the Cause of this Summons, under these Words
 of St. *Luke*, *Quomodo stabit Regnum, &c.*

From which Text he argued, ‘That, in the Realm
 ‘of *England*, three Causes were to be noted which hin-
 ‘dered its Advancement. *First*, Want of Faith, which
 ‘is the Root of all good Works, *Eo quod sine Fide im-*
 ‘*possibile est placere Deo*; *Secondly*, Want of Fear,
 ‘which was the chief in every good Mind, *Nam qui timet*
 ‘*nihil, negligit*; and, *Lastly*, The Want of upright Ju-
 ‘stice; the Pillar of every Kingdom, for, *Ex justitia*
 ‘*sequitur Pax, et ex Pace Rerum Abundantia maxime*
 ‘*procreatur.*

‘Instead of these three Virtues, three abominable
 ‘Vices, he said, were sprung up; namely, Infidelity,
 ‘by Errors and Heresies; Obstinacy, instead of Fear;
 ‘and Oppression, in the Place of Justice. Through In-
 ‘fidelity, he told them, that the late Troubles in *Ger-*
 ‘*many*, and the Destruction of the Kingdom of *Bohemia*
 ‘had happened. Fear, he again divided in two Parts, the
 ‘one spiritual and virtuous, as fearing God, and Man for
 ‘God; the other, carnal and vicious, from whence
 ‘sprung Murmurs and Rebellion, which would procure
 ‘such Destruction as happened to *Dathan* and *Abiram*.
 ‘From Oppression ensued the transferring of King-
 ‘doms, according to the Wise Man, *Regnum a Gente*
 ‘*in Gentem transferetur propter Injustitias & Injurias.*
 ‘But that if true Faith, due Fear, and strict Justice was
 ‘restored, there was then no Doubt but this would be
 ‘a flourishing Kingdom. He concluded, That as the
 ‘Prince was bound to defend the Subjects, and to keep
 ‘Peace, so ought the Subjects to grant largely to the
 ‘Prince out of their Goods, that he might be enabled
 ‘to perform the same, to which End the said Parliament
 ‘was called. He then directed the Commons to chuse
 ‘their Speaker, and present him as usual.’

The next Day the Commons came again before the
 King and Lords; when certain of their Members in-
 formed

formed the House that they had chosen one *William Al-lyngton*, Esq; to be their Speaker, but desired a Respite of two Days before they presented him; which being granted, the said *William Al-lyngton*, on the fourth Day of the Session, made the usual Protestation, and was allowed.

King Henry VI.
WILLIAM AL-
LYNGTON, Esq;
chosen Speaker.

During the Sitting of this Parliament, the King having now entered into the 9th Year of his Age, and shewing a toward Pregnancy of Wit and Parts, it was thought proper to admit him, as it were, into his Regal Dignity, by a Coronation. Accordingly on the 6th of *November*, being the Feast of St. *Leonard*, the Ceremony was performed at *Westminster*, with great Solemnity. And, very soon after, a Motion was made in the House of Lords, 'That since the King had taken upon him the Protection and Defence of the Realm by his Coronation, the Name and Power of Protector and Defender, granted to the Dukes of *Bedford* and *Gloucester*, from the Day of the said Coronation, should utterly cease: And that they the said Dukes should have the Name of principal Counsellors only; any Order to the contrary notwithstanding.' Which Motion, after some Debate, was agreed to by the whole House; and the Duke of *Bedford* standing up, in full Parliament, did relinquish the said Titles, as to his own Person, so always that the said Release should no way hurt his Title as Duke of *Bedford*^h.

The King
crown'd, and the
Protectorship
dissolved.

It was not till the twelfth Day of *December* that a Supply was granted by this Parliament, of one whole Tenth and one Fifteenth, to be levied on the Laity. Tho' afterwards, on the Twentieth of the same Month, the Commons, at the special Instance and Desire of the Bishop of *Winchester*, just then made a Cardinal, granted another Tenth and a Fifteenth, to be levied as above, but not to be paid till *Christmas* come Twelvemonth.

[207]

A large Subsidy.

They

^h The Memorial of this whole Proceeding in Parliament is in the *Public Acts*; in which is this remarkable Clause.

Pro eo etiam quod. Avisamento diligenti & Deliberatione matura habitis inter Dominos Spirituales & Temporales, in presenti Parlamento existentes, utrum dictum Nomen Protectoris & Defensoris, ex Causa prædicta, cessare deberet, necne? Audivisque & intellectis nonnullis notabilibus Rationibus & Allegationibus in hac Parte factis, tandem videbatur præfatis Dominis Spiritualibus & Temporalibus. quod dictum Nomen Protectoris & Defensoris, a Tempore Coronationis prædictæ, ex Causis prædictis, specialiter cessare deberet.

Nomine tamen, &c. Fæd. Ang. Tom. X. p. 436.

King Henry VI. They also gave the King a Grant of Tonnage and Poundage, to continue till the next Parliament. This liberal Donation, at the Prelate's Request, shews, that the new-made Cardinal was in high Esteem with them, at that Time; and his Title has gained a Place in the Records themselves, as follows:

Reverendissimus in Christo Pater Dominus Henricus, Permissione divina, Titulo Sancti Eusebii Presbyteri Cardinalis de Anglia vulgariter nuncupatus.

On the same Day the Chancellor, by the King's Command, and the Consent of the Bishops and Lords, prorogued the Parliament unto *Monday* next after the Feast of St. *Hilary* next ensuing, on Account of the Holidays.

Being again assembled, the first Thing they did was to take under Consideration the present high Estate of the Cardinal Bishop of *Winchester*; the first of the *English* Nation who came to that Dignity, as the Record testifies^a: And because that Dignity exempted him from being of the King's Council, but at his own Pleasure, therefore the rest of the Bishops and Lords consented to join in an humble Request to the said Cardinal, that he would vouchsafe to be made one of the Council; under a Protestation that the said Cardinal should absent himself in all Affairs and Counsels of the King, whenever the Pope or See of *Rome* was concerned in them. Which Request, so made, the Cardinal condescended to grant under the said Condition.

The Cardinal in great Esteem with the Commons.

This High Priest was at that Time in such Estimation also with the Commons, in Parliament, that they unanimously joined in a Petition to the King, praying him, that, in Consideration of the great and notable Services he had done the Crown, both under the present King and his Father, that he would grant him a full Pardon for whatever he had acted contrary to the Laws; particularly in regard to the Statute of *Præmunire*. This Petition was granted; and, consequently, the Cardinal was screened from all Prosecutions. Two Acts were also passed in the Cardinal's Favour, at this Time, relating

[208]

^a Memorandum. *Quod transactis Temporibus in Regno Angliæ visum non fuerit, ut speratur. quod aliqui Angliæ Nationis ad Statum et Dignitatem Cardinalis, per Sedem Apostolicam sublimiti, &c. Rot. Parl. 8 Hen. VI. No. 17.*

lating to some Loans of Money he had lent the King on King Henry VI's Jewels; which will be mentioned in the Sequel¹.

Authority was given to the King's Council to make Securities to several Creditors of the Crown, for the Sum of 50,000 *l*. It was also ordained, That the Treasurer and Victualler of the important Town of *Calais* shall receive a certain Quantity of Mercantile or Staple Ware, and other Revenues, within the said Town, for the Payment of the Garrison there, and the necessary Reparations.

The valiant Lord *Talbot* being then a Prisoner in France, the King, by common Consent, agreed to release Sir *William Barbazam*, Knt. a French Prisoner, as Part of his Ransom, provided the said Sir *William* was not impeached for the Death of the Duke of *Burgundy*. It is remarkable that this Lord *Talbot* had served the late King in his Wars two Years, without any Wages. At the same Time it was agreed by Parliament, That the Duke

[209]

¹ This Petition, with the two Acts, are printed at large in *Rymer*; and the former, being somewhat extraordinary, deserves a Place in this History in its original Language.

Item, *Priant les Comunes que please a vous tresgracious Seigneur.*—

Considerant les tresgrands & notable Services & Naturelles, sibien a vous, come a vestre tresnoble Pere, qui Dieu assoile, avaut ces Heures, faitez par le tresueren Pere en Dieu, Henry Beaufort, Prestre Cardinale, south la Title de Saint Eusebe, & Evesque de Wynchestre, d'ordiner & grauntier, par Assent des Seigneurs Esprituelx & Temporelx, en cest vestre present Parlement esteantz par Auctorité de mesme le Parlement, que le dit Henry Cardinal, par queconque Noun mesme le Henry soit nome, ne nul aultre, serra mye, pursue, vexé, emplede, ou grave, par vous, ou vos Heires, ou Successeurs, Royes d'Engleterre, ne par ascud aultre Person, a Cause d'ascun Provision, ou d'ascun Offense, ou Misprison, fait par le dit Henry en cointre ascun Estatute des Provisours, ou par Cause d'ascun Exemption, Resceit, Acceptation, Admission, ou Execution d'ascunz Bulles Papalles, a luy en ascun Maniere faitz, merque le dit Henry Cardinal, & chescun aultre, de toutes tielz Maner d'Actions, Pursuites, Empechements, et Vexations, et de toute Choses queux serroient en Offense de vos Leyes en celle Partie, a Cause susdit, et de toutz aultres Actions et Pursuites, dount Punissement, semblable al Punissement contenutz en l'Estatutz de Provisours, viendrois ou surdroit, soient, et chescun de eux soit, par mesme l'Autoritee, en vers vous, vos Heires et Successeurs, ent quittez & dischargex tout autrement, et que toutz tielz Actions & Pursuites, envers le dit Henry Cardinal, et chescun aultre, a Causes surdites, soit extientes, et pleinement paritez, voidex, cassez et irrites.

Et que vous, vos Heires & Successeurs, soiez et soient, de tout Manere entterresse, et de toutz Maners d'Actions et Pursuites, aver ou pursuar par celle Euebeson, envers le dit Henry Cardinal et chescun aultre, forcloze et excluse, par toutz Jours, par l'Autorité susdit; ascun Estatutes et Ordinances, faitz a contraire, nient obstantz.

Responsio Regis. Fiat prout petitur, quantum ad prædictum Cardinalem, et omnes alios qui Occasione ejusdem Cardinalis impeti poterunt vel implacituri. *Fad. Ang. Tom. X. p. 516.*

King Henry VI. Duke of Orleans, Cousin to the King, who had been a Prisoner in *England* ever since the Battle of *Agincourt*, and was then in the Custody of Sir *Thomas Cumberworth*, Knt. should be deliver'd to Sir *John Cornwall*, Knt. by him to be safe kept; and that the Duke of *Bourbon*, taken at the same Battle, should be committed to the Custody of Sir *Thomas Cumberworth*.

Another Subsidy. This Parliament sat to the 23d of *February*, on which Day, as if they could not be tired with granting Money, they gave the King the same Subsidy on Woolls as was granted in former Parliaments, for two Years. And at the same Time they consented to shorten the Payment of the last Tenth and Fifteenth, to relieve the pressing Necessities of the State.

Articles for the Regulation of the King's Council,

Before they were dissolved they also agreed upon certain Articles, eighteen in Number, for the better Regulation of the King's Council. All which said Articles every one of the Lords of the Council, whose Names are there specified, promised faithfully to perform. The Abridger of the Records has made but two Observations on these Articles; the one, That the Dukes of *Bedford* and *Gloucester* were accounted no higher in Council than as two of the same Body; the other is, That all such Officers, Civil or Military, who have served the King and his Father faithfully, should be first preferred to Places and Benefices in the King's Gift. A goodly Precedent, says *Prynne*, to encourage Officers to serve painfully and faithfully, when their Hoping is not turned to Haltering.

[210]

Acts relating to Privilege;

Also to Weights and Measures,

There were many Acts made in this Parliament, which the Reader may, if he pleases, consult all together in the *Statutes at large*: But an Account of two or three of them cannot well be omitted in these Inquiries. The first was, 'That the Bishops and the inferior Clergy coming to attend their Service in Parliament, shall have the same Privilege, in regard of the Protection of their Servants, as the Peers of the Realm. That every City, Borough, and Town in the Kingdom, shall have at their own Charge a common Balance and Weights, sealed according to the Standard of the Exchequer, in the Keeping of the Mayor or Constable. At which Balance all the Inhabitants of the same City or Town were to weigh, without paying any

any Thing; but Strangers were to pay a small Pre-
mium there specified. King Henry VI.

It was also enacted, 'That whereas Knights of the
Shire had of late been chosen by outrageous and ex-
cessive Numbers of People, and of small Substance; Votes for
for the future, the said Knights shall be elected in Knights of
every County, by People dwelling and resident in the Shires limited to
said Counties, whereof every one shall have, in Lands Freeholds of 40s.
or Tenements, to the Value of 40 s. by the Year, at per Ann.
the least, above all Charges; and that they which
shall be so chosen shall be dwelling and resident within
the said Counties.

In the Parliament, 10th Henry VI. Anno 1432, it
was declared, 'That the said 40 s. *per Annum* must be
'Freehold.' This Statute is in Force at this Day;
but the Difference in the Value of Money, then and
now, will be best ascertained by the Price of Provisions
near this Period. Amongst the Petitions there are also
some, with their Answers, which deserve our Notice.

Pet. 'That the Statutes, made on all Appeals for
'Things done out of the Realm, shall be tried before Petitions and
the Constable and Marshal of *England*; and that all Answers.
'done within the Realm, be tried by the Laws of the
'Nation.

Ans. *The Statutes made for that Purpose shall be kept.*

Pet. 'That Sheriffs, and such other Officers, be not
'impeached by Process out of the Exchequer, for Things
'not leviable.

Ans. *The King's Council shall have Power to determine*
this Matter.

[211]

Pet. 'That all Burgesses of Parliament may have
'their Writs to the Sheriff of the same Shire, to levy
'their Fees and Wages.

Ans. *The King will be advised.*

Pet. 'That all such Soldiers as pass thro' the Realm
'may pay for their Victuals and Lodging.

Ans. *The King will be advised.*

Pet. 'That all Lands whatsoever do contribute to
'the Payment of Knights' Fees coming to Parliament,
'excepting the Lands of Bishops, Peers, and Towns who
'send Burgesses.

Ans. *The same as before.*

King Henry VI.

Privileges of
Parliament.

Complaint being made to the House of Commons, that one *William Lake*, Servant to *William Mildred*, one of the Burgeſſes for *London*, was committed to the *Fleet* on an Execution of Debt, he was immediately diſcharg'd by the Privilege of the Houſe, and Authority given to the Chancellor to appoint certain Perſons, by Commiſſion, to apprehend him after the End of the Parliament. The Abridger remarks, That no ſuch Man, as is here mentioned, can be arreſted in the Time of Parliament, but for Treason, Felony, or Breach of the Peace.

This Parliament being diſſolved *February 23*, ſome Petitions, which were not answered, were left, as was uſual in thoſe Days, to the Determination of the King's Council.

Henry crowned
King of France.

Immediately after the Diſſolution of this Parliament, the young King *Henry* ſet out for *France*, attended with a great Train of the *Engliſh* Nobility and Gentry; and arriving ſoon after at the City of *Roan*, in *Normandy*, he made his Abode there all the Summer; and, in *November*, in the Year 1430, the eighth of his Reign, he was, with the greateſt Solemnity, crowned King of *France* at *Paris*.

[212]

Whiſt the young Monarch and his Council were exerciſing the Regal Power abroad, the Duke of *Glouceſter*, who had been left Regent in his Abſence, knowing the preſſing Occaſion they had for Men and Money, in order to carry on the *French* War, was obliged to call a Parliament at home for that Purpoſe. Writs were ſent out, dated *November 7*, and returnable at *Weſtmiſter* the 12th of *January* following.

Anno Regni 9.
1431.

At Weſtmiſter.

Being all met in the Painted Chamber, *Humphrey* Duke of *Glouceſter*, called now Guardian or Keeper of *England*, being ſeated in the Chair of State, the Commons being alſo preſent, commanded *William Linwood*, Doctor of Laws, to open the Cauſe of the Summons, (*John Kempe*, Archbiſhop of *York* and Chancellor, being abſent by Sickneſs) who took for his Theme, *Firma-bitur Solium Regni ejus*.

On this he endeavoured to demonſtrate, ' That the King and Kingdom ought to be eſtabliſhed by a three-fold Virtue. The *fiſt*, by Unity; the *next*, Peace; ' and

and the *third*, by Justice. Unity he subdivided into King Henry VI.
other three Parts, viz. *Collectivam*, as in gathering
Goods together; the other, *Constitutivam*, as in com-
paring the several Members of a Man's Body; the
third, *Consentaneam*, as in Union of each Body My-
stical or Politic. Peace was also threefold; Peace
Monastical, which every Man hath over himself;
Economical, as relating to the Government over his
Houshold; and Political, whereby the good Estate
of the King is best secured. And, *lastly*, Justice had
its three Parts; the *first*, every Subject's due Obedi-
ence to the Magistrates; the *second*, by advising his
Neighbours and Equals; and the *last*, in relieving the
Poor. He concluded with observing, That the afore-
said Union was much broken within the Kingdom by
Whisperers and Misdoers; from which an utter Sub-
version was like to ensue. That it was the King's
full Desire that every Estate in the Realm should en-
joy all their just Liberties; and prayed the Commons
to chuse their Speaker, and present him the next Day
to the Guardian.

The same Day the Commons made a Report of their Speaker, as in the last Parliament; and, on *January 15*, they presented *John Tyrrel*, Esq; whose Excuse being refused, with the accustomed Protestation, he was allowed. JOHN TYRREL,
Esq; chosen
Speaker.

The first Thing that we find entered on the Rolls in this Parliament was the Supply, tho' it was not granted till *March 20*, of one Tenth and one Fifteenth, and a Third of both. They also gave Tonnage and Poundage for two Years, with a Subsidy of the like Value on all Merchants Aliens, over and above the said Tonnage and Poundage. The Commons also granted to the King 20*s.* from every Layman holding a Knight's Fee, and according to the Value, under or over. The same from the Clergy, for all Lands purchased since the 20th of *Edward I.* And that all other Persons, having Hereditaments to the Value of 20*l.* over all Reprizes, not held as above, shall also pay 20*s.* and so according to that Rate.—This is another Instance of a Tax on Lands and Tenements*. [213]
A Subsidy.
A Land-Tax.

An

* It is remarkable that the Inhabitants of the City of *Lincoln* only are exempted from Payment of one Third of the Tenth and Fifteenth; but for what Reason is not mentioned.

King Henry VI. An Act was passed this Session, to empower certain Lords, of the King's own Family, to be Commissioners for treating of a Peace with the Person called here only the *Dauphin of France*.

It was ordained, That the King's Council, and other Head Officers, expressed in the Record, should have yearly out of the Exchequer, by way of Reward, such Fees as are there particularly mentioned. And, at the same Time, Authority was given to the King's Council, to make Securities to the King's Creditors, for the Loan of 50,000 *l.* as in the last Parliament.

Several Affairs, relating to private Property, were transacted this Session: But only one is remarkable enough for our Purpose; since it made a great Noise at that Time, and produced an Act of Parliament, still in Force in our Statute-Books. The Case was this:

Acts relating to
Bastardy;

A Charge of Bastardy was alledged against *Eleanor* the Wife of *James Lord Audley*, who claimed the Inheritance of *Edmund Earl of Kent*, as being his eldest Daughter, and a legitimate Issue, or *Mulier*, by *Constance* his Wife; for the Proof of which she had procured a *Certificate* from the Ordinary. Against this Claim, the other Daughters of the said *Edmund Earl of Kent* presented a Petition to Parliament, alledging, that the said *Eleanor* was a Bastard; that her Mother *Constance*, the late Wife to *Thomas Despenfer*, was never married to the said Earl; and that the said *Certificate*, brought from the Ordinary, was obtained by Fraud. All this being fully proved, in order to prevent such Proceedings for the future, an Act was made, ' That
[214] ' in all Pleas, wherein Bastardy is alledged against any
' Person, Party to the said Plea, the Judge, or Judges,
' of or in the Courts where the said Plea is depending,
' shall certify it to the Chancellor of *England*, for the
' Time being, to the Intent that Proclamation be made
' in the said Chancery, for three Months, once in every
' Month, that all Persons who have any Thing to ob-
' ject against the said *Mulier*, or Person pretending
' himself a legitimate Issue, may put in their Allega-
' tions and Objections before any *Certificate* be given
' by the Bishops.'

To Executors
of Wills;

An Act was also made to redress another Grievance, which was, ' That whereas, under Colour of Outlaw-
' ries,

ries, sued out against certain Persons, Occasion was King Henry VI.
 taken to molest others of the same Name, and to seize
 their Goods and Chattels, especially when they were
 dead, because there was no Remedy at Common Law
 for Executors to recover such Seizures; therefore it
 was enacted by this Parliament, in Favour of Execu-
 tors, That, in Defence of the Testator's Goods, a
 Writ called *Identitate Nominis* should be granted to
 them, and should be as maintainable by them as by
 any other Person living.'

Complaint being made to the Houses, that the *Welsh-* And Hindrance
of Navigation by
the Welsh.
men assembled in great Numbers, and, being arm'd, did,
 in a riotous and rebellious Manner, intercept and hin-
 der the Boats, Trows, Floats called Drays, carrying
 Wares and Merchandizes up the River *Severn*, to *Bri-*
stol, *Gloucester*, *Worcester*, and other Places, and broke
 the said Vessels, to the End that the Traders might
 have their Boats and Vessels of them only; therefore
 it was enacted, 'That all the King's Liege People
 should have free Passage upon the said River, to carry
 their Goods and Chattels as they please, without any
 Molestation from the *Welsh*; and if, for the future,
 they any ways molested them in their Passage or
 Traffic, the Party or Parties aggrieved shall have their
 Action at Common Law.'

Remarkable Petitions and Answers in this Parlia- Petitions and
Answers.
 ment.

Pet. 'That all Outlawries in Actions personal, pro-
 nounced before the Statute of *Additions*, made the 1st [215]
 of *Henry V.* may be pardoned.

Ans. *The King will be advised.*

Pet. 'That in the Writ of forging of false Deeds,
 the *Venire facias* may be of both Counties, as well
 where the Land doth lie, as where the Writ is brought.

Ans. *The same as before.*

Pet. 'That the Statute made *Anno 8 Henry VI.*
Cap. 2. touching *Denmark*, may be utterly void and
 revoked.

Ans. *The King expects to hear from his Ambassador at
 that Court; and in the mean Time will be advised.*

Pet. 'The Commons of *Northumberland*, *Cumber-*
land, *Westmoreland*, and the Bishopric of *Durham*, pray,
 that

King Henry VI. that the Merchants of *Newcastle* may, at all Times, buy and transport their own Wools.

Ans. *The King will be advised.*

Pet. ' That Attachments and Prohibitions against Tythe of great Wood may be granted to every Person out of either of the Benches.

Ans. *The same.*

Pet. ' That two Persons in every Hundred of the Realm may, by Commission, be appointed to search the due making of Woollen Cloths, and to seal the same, taking One Penny.

Ans. ' *The King will be advised.*

In Consideration of 200 *l.* paid by the Merchants of the Isle of *Ely* to certain Persons of the County of *Cambridge*, to buy Twenty Marks of Land by the Year, it is enacted, ' That the said Inhabitants for ever shall be discharged from paying any Thing towards the Fees of Knights of the Shire for *Cambridgeshire*.*

We have no Account how long this Parliament sat; but it is probable it did so till at, or near, the 20th of *March*, the Day the last Supply was granted; Historians tell us, that, before the Dissolution of it, Ambassadors came from *James* King of *Scots* to the Duke of *Gloucester*, to desire that a Peace might be concluded between the two Nations: But the Duke, not willing to determine so important a Matter, without the Consent of the People, referred it to the Three Estates; who, after long Consultation and many Debates, settled a Peace with them; which Peace, it was then thought, would long continue, because *Scotland* was so disturbed by home-bred Divisions, that no Molestation could be expected from that Quarter^k.

The young King staid no longer in *Paris* than till the Noblemen of *France* and *Normandy* had paid their Homage to him, after his Coronation; when he returned for *England*, landed at *Dover*, and was met in his Way to *London* by the Citizens, and conducted to *Westminster* with great Pomp, Triumph, and many Sorts of Pageantry.

Not long after the King's Arrival, the Council thought it necessary to call another Parliament; for which

* *Hall*, Fol. cxxi. *Hollingshead*, p. 607.

[216]

A Peace with
the *Scots*.

which Purpose Writs of Summons were issued out, dated King Henry VI. February 25, for one to meet at Westminster the 12th Day of May following.

At which Time, being assembled in the usual Chamber within the Palace, the King himself on the Throne, and all the Lords and Commons attending, *John Stafford*, Bishop of Bath and Wells, then Chancellor of England, was commanded to open the Cause of the Summons; which he did in this Manner, taking for his Text these Words of St. Peter, *Deum timeate, Regem honorificate.* Anno Regni 10. 1432. At Westminster,

‘ On which Words he remarked two Points, the first, A general Counsel to Princes, that they might learn Knowledge; to obey and serve God, according to the Words of the Prophet, *Nunc Reges intelligite, erudimini qui judicatis Terram, servite Domino in Timore.* The second, A Commandment to Subjects to learn to obey and honour the Prince, according to the Saying of the Apostle, *Omnis Anima sublimioribus Potestatibus subdita sit, non enim est Potestas nisi a Deo.* And again, *Reddite omnibus Debita, Tributum cui Tributum est, &c.*

‘ Which Points he learnedly enlarged upon, and endeavoured to prove by many Examples, Authorities, and Similitudes, that the King and Realm of England might easily attain to the Height of Peace and Prosperity, if true Fear of God and Honour to the Prince were in the Hearts of the Subjects; wherefore, for the attaining thereto, and suppressing such Rebels as despised the Rights of the Church, and would destroy the Ministers of the same, was one Cause for the calling this Assembly. The other was, for the due Execution of the Laws, which was *Salus cujuslibet Civitatis et Regni.* And the last was, how to find Ways and Means to enrich the Subjects; who, for a long Time, had lived in great Want and Penury.’ He concluded, as usual, with acquainting them, that the King desired that every Estate should enjoy its own due Liberties; and that the Commons should chuse their Speaker, and present him the next Day to the King.

[217]

On the second Day of their Sitting, the Duke of Gloucester stood up in the House of Lords and said,

King Henry VI. ' That he had been informed the Commons had made
 ' a Declaration, That if they could understand the Lords
 ' of the King's Council intended to serve in their Sta-
 ' tion with perfect Unity, it would greatly encourage
 ' them to do their Parts effectually. That he promised,
 ' for his Part, that although he was Chief President of
 ' the Council, yet he would act nothing without the
 ' Consent of the Majority of them.' This Declaration
 of the Duke's was, the next Day, made to the Com-
 mons by the Chancellor.

JOHN RUSSEL,
 Esq; elected
 Speaker.

The Day after, the Commons presented to the King
John Russel, Esq; for their Speaker; who, making the
 usual Protestation, was allowed of.

The next Article on Record is a Grant of a Subsidy;
 which, though it stands in this Place, yet is said to be
 done on the 17th of *July*, the last Day of the Sitting of
 this Parliament, as was then the usual Custom, as has
 been before remarked. These Grants were, at this
 Time, constantly in *English*; and, since it may be
 thought something curious, we shall give the Preamble
 to this, now before us, as a Specimen for all the rest.

*To the Worship of God, and for the grete Love and en-
 tier Affection the which we your pouvre Comunes of this
 your noble Roialme have to you our most Soverain Lord the
 King, by the Advis and Assent of all your Lordes Spirituall
 and Temporall in this your present Parliament, beyng hol-
 den at Westminster the 12th Day of May, the Yere of
 your Reigne the 10th, be Auctority of the same Parliament
 do graunte, &c. for the Defence of this your Roialme of
 England, half a Fifteenth and half a Tenth, &c.*

A Subsidy.

Besides these Moieties, by another Schedule, there
 was granted, on the same Day, a Subsidy of five Nobles
 on every Sack of Wooll, and the same Sum on every
 240 of Wooll-fells; likewise Tonnage and Poundage,
 at the usual Rate; to continue for one Year only.

Another Quarrel
 between Cardinal
Beaufort and the
 Duke of *Glouce-*
ster,

A great Complaint was made to the Houses, by the
 Cardinal Bishop of *Winchester*, that he being in *Flan-*
ders, in his Way to *Rome*, was obliged to return back,
 in order to clear himself from a Report that had been
 spread, that he was a Traitor to the Realm; of which
 the Duke of *Gloucester*, by the King's Command, de-
 clared him guiltless. But the Abridger of the Records
 here remarks, That the true Reason of the Cardinal's
 sudden

sudden Return was, that, having several of the King's ^{King Henry VI.} Jewels in Pawn, he had ordered them to be sent after him; which Jewels, by Command from the King, or rather the Duke of *Gloucester*, were arrested at *Sandwich*. This brought the Cardinal back in a mighty Pother; and it appears by the next Article in the Record, that an Order was taken that the Cardinal should pay to the King 6000 *l.* more for them, and lend to him besides 13,000 Marks, which was done accordingly; and then he was allowed to take them, or leave them behind him, at his Pleasure. The King also, with the Consent of the other Estates, granted a Pardon for all Offences, and for all Penalties and Pains incurred by him on the Statute of *Præmunire*. Thus far the Record; but a modern Historian¹ acquaints us, That when the Jewels the Cardinal had in Pawn were seized at *Sandwich*, he was then in *Flanders* upon the King's Affairs; but, on the News of the Seizure, he came over in all Haste to *London*, without Leave; which gave the Duke of *Gloucester* Occasion to seize his Baggage. That, on the Day after his Arrival, he went to the House of Lords; and said, he was come to clear himself from the Crimes laid to his Charge, and vindicate his Innocency against whoever should be his Accuser. That the Duke of *Gloucester* not thinking it proper to support what he had advanced, the Prelate was answered, That since none appeared to accuse him, he was acknowledged as a loyal Subject. He thanked the House for this Declaration, and desired it might be drawn up in Form; which was granted. Then he complained, that, at his Arrival at *Sandwich*, his Baggage was seized; and petitioned the Restitution. He maintained that the Seizure was made without Cause, and offered to lend the King 6000 *l.* for six Years; on Condition that, if the Seizure appeared to be lawful, the Money lent should be forfeited to the King's Use. He offered moreover to lend him the like Sum, and to defer the Demand of the 13,000 Marks, due to him on another Account, provided the Payment of the whole should be assigned out of the next Subsidy granted to the King. His Aim was to shew his Regard for the King's and the People's Wants. His Offers were accepted, and the

P 2

Seizure

¹ *Rapin's History of England*, Fol. Edit. p. 334, 335.

King *Henry VI.* Seizure restored. Thus the Duke of *Gloucester*, instead of hurting his Enemy, had the Mortification to see him receive the Applauses of both Houses. Mean while this Discord produced very ill Effects. As the Duke of *Gloucester* had Friends and Adherents in the Council, the Opposition, generally between the two Parties, could not but be very prejudicial to the King's Affairs. For, whilst the Duke and the Cardinal thought only of their own private Concerns, the War in *France* was neglected, though it was more necessary than ever to support it with the greatest Efforts.

[219]
Which terminates in Favour of the former.

We have chose to give this long Quotation from *Rapin*, as it particularly relates to this Design, and to set this Matter in as clear a Light as possible. The Authorities that Author quotes from, are some Instruments in the *Public Acts* and the Abridgement of Records. The Reader may observe, that the latter differs widely from his Account, especially in regard to the Seizure of the Crown Jewels, which was made on his going out of the Kingdom, and not on his Return into it: And it is certain that the Duke of *Gloucester* was in the Right to prevent the Cardinal from carrying such a Treasure over with him into foreign Parts. However, the Prelate had Interest enough in this Parliament to get the Petition from the Commons, made in the last, again ratified; with the two subsequent Acts for Restitution, &c. and all of them exemplified under the Broad Seal^m.

But to go on with the other Proceedings of this Parliament; some more Matters of less Moment occurred; the Principal of which are these:

The Commons petitioned the King, that the Fees and Wages of the King's Judges, Serjeants, and Attornies, might be paid, which was ordered accordingly. And, by Order of the Houses, certain Accountants of the King's Household, by Name, were pardoned their Offences.

On the Petition of *Richard Duke of York*, Brother to *Edward* late Duke of *York*, and Cousin-German to *Edmund* late Earl of *March*, to have Livery of all the Hereditaments belonging to the said Duke and Earl, by Ordinance of Parliament they were restored to him.

This

^m See *Fœd. Ang.* Tom. X. p. 516, 17, 18, 19. For an Inventory of these Jewels, with their particular Sorts, Weight, and Value, see also F. 593, &c.

This was the famous Duke of York, who first began the open Quarrel between the two Houses of York and Lancaster. In this Parliament also, as was antiently the Custom of creating Peers, the King created the renowned Sir John Cornwall, Knight, Baron of Fannhoppe, there to sit and enjoy the Liberty of a Baron.

[220]

PETITIONS and ANSWERS.

Pet. ' That the Defendant in an Appeal of Maim may make his Attorney.

Petitions and
Answers.

Ans. *The King will be advised.*

Pet. ' That the Statute made 7 Henry IV. cap. 9. relating to Merchants Strangers, may be executed with this Adjunct, viz. Pains and Penalties on the English Merchants, and Officers of every Town, for not executing of it.

Ans. *The King will be advised.*

Pet. ' That none be compelled to be examined in Parliament, or elsewhere, touching his Frank Tenant.

Ans. *The same.*

Pet. ' That such Persons as shall have their Goods taken by the Merchants of Hans, in their Parts, may have their Remedy by Action at Law in London against the Hans Merchants residing in that City.

Ans. *The same as before.*

Pet. ' That no Merchant, or other Person, be impeached for the Seal of any Cloth, broad or narrow, after such Time as the *Alnager*ⁿ has sealed the same, and Custom is paid for it.

Ans. *The same.*

Pet. ' For speedy Redress of and in all Actions belonging to such Persons as were Members of the House of Commons.

Ans. *The same.*

Pet. ' That all Parsonages, appropriated to some Religious House, not endowing of Vicars on the same, may be within six Months unappropriated.

Ans. *As before.*

P 3

A

ⁿ *Alnager*, *Aulnager*, in Latin, *Ulniger* or *Ulnator*, a Measurer of Cloth by Ell. This Officer was antiently both Searcher and Measurer of Cloth as well as *Alnager*, and was Collector of the Subsidy granted to the King by the several Statutes; he had a peculiar Seal to denote the Defects which each Cloth contained. See *Jacob's Law Dictionary*.

King Henry VI.

‘ A Motion was made, and a Device offered, for the true making of *Gascoign Wine*.

[221]

Ans. *The King will send this over to the Officers of Guienne, and appoint them to take Order therein.*

Pet. ‘ That Prohibitions and Attachments may be had, upon the Statute of the 45th of *Ed. III.* against Parsons suing for Tythe-Wood above the Age of twenty Years.’

Ans. *The Statutes, to that Purpose provided, shall be observed.*

The King gives
up the Land-
Tax.

At the Petition of the House of Commons, the King released utterly, on Account of certain Doubts, the Subsidy granted in the last Parliament on Lands and Tenements, so as it never should be mentioned again. This looks as if all Parties were ashamed of such an uncommon Imposition on the Subject in those Days; tho’ it is now no Novelty, and will continue, we fear, to be as immutable as Fate.

Anno Regni II.
1433.

At Westminster.

The *French War* had, about this Time, run greatly against the Interest of the *English* in that Kingdom; and, in the 11th Year of this King, another Parliament was called, by Writs dated *May 24*, to meet at *Westminster* on the 8th of *July* following. Being all assembled, before the King, in the Painted-Chamber of the Palace, the Dukes of *Bedford* and *Gloucester*, with the Cardinal, all being present, the same Chancellor, as in the last Parliament, declared the Cause of the Summons, and took for his Theme, *Suscipiant Montes Pacem Populo, et Colles Justitiam.*

‘ This Subject he divided into three Parts, according to the Three Estates of the Realm; by the Mountains, he understood Bishops, Lords, and Magistrates; by the lesser Hills, he meant Knights, Esquires, and Merchants; by the People, he meant Husbandmen, Artificers, and Labourers. To which Three Estates he endeavoured to prove, by many Examples and Authorities, that a triple political Virtue ought to belong; to the *first*, Unity, Peace, and Concord, without Dissimulation; to the *second*, Equity, Consideration, and upright Justice, without Partiality; to the *last*, A due Obedience to the King, his Laws, and Magistrates, without grudging. By strictly observing of all which he

‘ he affirmed, that infinite Blessings and great Acquisi-
 ‘ tions would accrue to the Nation; and that this very As-
 ‘ sembly was called as a Means for that Purpose. Where- [222]
 ‘ fore he enjoined the Commons to make Choice of their
 ‘ Speaker, and present him to the King as usual.’ The
 Receivers and Triers of Petitions being appointed for
 the different Kingdoms and Countries under the Domi-
 nion of the *English* King, as was in those Days the
 constant Custom of Parliament, on the 11th of *July* the
 Commons presented *Roger Hunt*, Esq; for their Speaker;
 who, with the usual Ceremony, was allowed.

ROGER HUNT,
 Esq; chosen
 Speaker.

The 13th Day, the Duke of *Bedford* rose up before
 the King, in the House of Lords, and said, ‘ That for
 ‘ two especial Causes he had come into the King’s Pre-
 ‘ sence, and left his Charge beyond Sea: The one was
 ‘ for the Safeguard of the King’s Person; and the other,
 ‘ to clear himself from some Slanders which were cast
 ‘ upon him, as that he had been the Occasion of the late
 ‘ great Losses in *France* and *Normandy*, by his Default
 ‘ and Negligence; and offered to take his Trial for the
 ‘ same.’ On which the Chancellor, by the King’s
 Command, declared, ‘ That his Majesty took him for
 ‘ his true and faithful Subject, and most dear Uncle;
 ‘ and for his coming at that Time, gave him most hearty
 ‘ Thanks.’

After this Parliament had sat about a Month, the
 Plague began to break out in *London*^a; therefore the
 Chancellor, by the King’s Command, called them all
 before him; gave them Thanks for their Attendance;
 and, on the 13th of *August*, prorogued the Parliament to
 the fifteenth Day after St. *Michael* ensuing, at *Westmin-*
ster. But because the King’s Occasions for Money were
 very urgent, and could not stay till the next Session, it
 was ordained, That the Treasurer of *England* should keep
 in his Hands 2000 *l.* for the Service of the Household.

We know not whether this Parliament met again at
 the Time appointed, or was further prorogued, but we
 hear no more of their Transactions till the 3d Day of
November; when the Speaker of the House of Com-
 mons came before the King, in the other House, and
 shewed to his Majesty a Precedent, in the Reign of
 King *Edward II.* whereby that King commanded the

Bishops

^a Quod in Civitate London et Suburbis ejusdem gravis Pestilentia ceperat
 jam orire, &c. Rot. Parl. 11 Hen. VI. No. 11.

King Henry VI. Bishops and Clergy to pronounce Sentence of Excommunication against certain Offenders at that Time. [223] The Speaker then desired his Majesty to act in the same Manner, and cause the Clergy to excommunicate some that were then culpable^b. But all that was done in this Affair was, that the King took the Precedent, and promised to be advised.

At the same Time the Speaker presented to the King and Lords one Article, amongst others, in an Ordinance of Parliament, made in the 8th of this Reign, whereby it was established, That no Nobleman or other Person should retain in his Service any Offender against the Law, or maintain any Title or Quarrel; which Article all the Bishops and Lords there present were sworn to observe. And, some Days after, the King commanded the Duke of *Bedford* to go to the House of Commons, and swear all the Members to perform the Article aforesaid; which he did accordingly.

The whole Nation sworn to the Observance of the Act against Quarrels.

And it was also enacted, by general Consent, ' That all the Lords, Knights, Esquires, Yeomen, and other Persons throughout the Realm, should, by special Commissions, be sworn to perform the said Articles. This Act, or Ordinance, seems calculated to prevent the evil Effect of the then mortal Quarrel between the Cardinal Bishop of *Winchester* and the Duke of *Gloucester*.

The Duke of *Bedford*, Regent of *France*, receives the Thanks of the Commons.

Nov. 24. The Commons came again before the King and Lords, and, by their Speaker, complimented the Duke of *Bedford* on his warlike Behaviour and notable Deeds done in *France*, and particularly for his Conduct in the Battle of *Vermyle*. Besides, they commended him for his politic Government in the Regency of that Kingdom; and for which they desired the King to insist upon the said Duke's personal Attendance about him; and, after some Consultation amongst the Lords, the Duke, at his Majesty's Request, accepted the Office; but at the same Time he required that six Articles might be agreed to by Parliament, relating to the Government; which was granted. And by these Articles, which the Abridger remarks were all very reasonable, the Duke of *Bedford* recovered some Part of the Prerogative which the

^b Pro diversa Specialia et enormia Murdra, Homicidia, Raptus Mulierum, Robberias, Arsurias, et alia Mala quamplurima, &c. Rot. Parl. 12 Henry VI. N^o. 13.

the Duke of *Gloucester* had lost through the malicious King *Henry VI.* Intrigues of the Cardinal and the Clergy, who were his sworn Enemies ^b. After this the Duke of *Bedford* [224] took Occasion to declare before the Parliament, That whereas he and the Duke of *Gloucester*, for their Attendance as principal Counsellors, or Presidents of the Council, had some Years an Allowance made them of 8000 Marks yearly; at other Times 6000 Marks, sometimes 5000, but never less than 4000 Marks yearly, he would now, for his personal Attendance, only require an Allowance of 1000*l.* a-year, and 500*l.* for passing the Sea into *France*, or repassing it, as oft as there was Occasion. A Salary granted him. Which Demand, being thought very reasonable by both the Houses, was readily granted.

The Subsidy granted by this Parliament was a Tenth and a Fifteenth, to be levied on the Laity; except the Sum of 4000*l.* to be deducted out of it, to go to the Relief of some Towns, Cities, and Boroughs, said, by the Record ^c, to be then desolate, wasted, or destroyed, or otherways much impoverished, or overmuch charged to this Tax, &c. They likewise granted the same Tonnage and Poundage as was given the last Year, for two Years to come; as also a Subsidy of 53*s.* 4*d.* on every Sack of Wooll for three Years ensuing. Authority was also given to the King's Council, to enter into Securities for 100,000 Marks for the present Occasions of the Government ^d. A Vote of Credit, which the Reader may observe has been more frequent in this Reign than in any preceding one. An Historian remarks, but erroneously, on the Proceedings of this Parliament, that no Taxes were given the King by it. 'Perhaps, adds he, 'it was because the Duty of Tonnage and Poundage, 'which was given this King in his third Year, was still 'continued. And whereas, before, they were granted 'for certain Years only, they were now indefinitely 'given him for the Service of the War; and from thence, 'as *Stowe* says, they received the Name of *Customs*, 'i. e. usual and constant Payments ^e.

A Petition of *Thomas Langley*, then Bishop of *Dur-* Customs first so called.
ham, was presented to the House of Lords, setting forth,

'That

^b These Articles are on Record, in the old *English*, and are not to be omitted by a particular Historian of this Reign.

^c Rot. Parl. 12 *Henry VI.* N^o. 20. ^d *Ibid.* N^o. 22.

^e *Daniel in Kennet*, p. 372.

King Henry VI. ' That whereas the King had granted a Commission to
 ' certain Persons there named, and they, by Virtue
 ' thereof, sat, and made Inquiry, at *Hartlepool*, within
 ' the County Palatine of *Durham*; he therefore prayed
 that the said Commission might be revoked. Hereupon
 Sir *William Earl*, Knt. the King's Attorney-General,
 [225] very learnedly endeavoured to prove ' that the said Bi-
 ' shop ought to have no County Palatine, nor Liberties
 ' Royal.' On the contrary, the Bishop produced his
 Authorities to prove his Right, and the Matter was stren-
 uously debated between them: At last Judgment was
 given for the Bishop, and the said Inquisition return'd in-
 to Chancery, or elsewhere, was declared null and void.
 The Record of this Matter is very long, and shews the
 Fulness of Power in the Liberties of this County Pala-
 tine.

The Liberties of
 the County Pala-
 tine of *Durham*
 ascertained by
 Parliament.

Ralph Lord Cromwell, High Treasurer of *England*,
 petitioned the Parliament that they would take into Con-
 sideration the State of the Revenues of the Crown, and
 the Disbursements, the said Revenue not being able to
 supply the Expence by 35,000 *l.* yearly; wherefore he
 prayed that Order might be taken for the King's House-
 hold; that he may enjoy the Office as freely as others
 before him; and that no Grant be passed by the King,
 without the Knowledge of him the said Treasurer. He
 also, by three long Schedules annexed, shewed the Par-
 ticulars of the whole Revenues and Profits of the Crown,
 with the Charge out of the same in all Ways and
 Means^f. This was thought proper to be laid before
 the Commons, and all the Requests aforesaid were
 granted. The said Lord *Cromwell*, by another Petition,
 also shewed that Warrants for Payments were come to
 him for more than two Years Profits of the Crown;
 wherefore he desired that the Consideration of the
 King's Estate might be speedy, and that a Prescription
 for his Payment should be made.

Acts passed.

In the *Statutes at large* are several Acts made this Par-
 liament, on the Petitions of the Commons, very condu-
 cive to the Public Good. There are likewise some more
 Petitions, on private Properties, in the *Abridgement*, not
 answering this Purpose. Some of the most remarkable
 Acts,

^f These Schedules, though long, are very curious, to learn the Particu-
 lars and State of the Crown Revenues at this Time.

Acts, we think proper to give an Abstract of, are as fol- King Henry VI.
low :

1. It was provided by an Act, ' That such Persons as were Keepers of the *Stews*, or *Whore-Houses*, in *Southwark*, should not be impannell'd upon any Jury, nor keep an Inn, or Tavern, in any other Places, lest Men of such vile Consciences and Practices should corrupt Justice, and propagate their Villanies over the Nation.'

[226]

2. It was enacted, ' That even Disseisors should not be put out of Possession by any collusive Tricks of Law, as was then usual, by making the Sheriff the Disseisor, and then entering upon the Lands for the Default of the Tenant's not answering: Wherefore it was ordained, That all such Writs shall be abated and quashed.' And

3. In the Behalf of the Person disseised wrongfully of his Lands, whereas before the Law was, that the Disseisee might sue the Disseisor in his Life-time, if he took the Profits at the Time of the Suit commenced, which to avoid, the Disseisors made over the Land by Feoffments to others, and so avoided the Suit: Whereupon it was enacted, ' That the Disseisees should have their Action as well against the Feoffee, as Disseisor himself, if either of them take the Profits of the Land.'

4. And because divers Tenants of Lands for Term of Life and Years, made over the said Lands to other Under-Tenants, to the End that they might not be liable to Writs of Waste, for the Damages done upon the said Lands, by their Order and Connivance, before the Grant of the said Leases; it was hereupon enacted, ' That the Tenant in Reversion might have his Action against the Tenant for Life or Years, for the Damages done, as well before as after the Lease made to any Under-Tenants, and recover treble Damages for the said Waste, provided that it were proved that the said First-Tenants took the Profits of the Land to their own proper Use at the Time of the Waste done.'

5. Whereas divers Suits and Indictments, as well for the King as his Subjects, were discontinued by making of new Commissions for the Peace, to the great Delay of Justice, and Wrong of the Subjects, it was enacted, ' That no Pleas or Processes should be discontinued by any new Commissions, but the Justices so made should have

King Henry VI. have Power and Authority to continue all Pleas depending, and determine the same.'

[227]

Weights and Measures ascertained.

6. An Abuse also being crept into the Nation about Measures contrary to the Statutes; and Purveyors, Bakers, Merchants, and Buyers of Corn, taking nine Bushels for the Quarter, it was enacted, ' That the Statutes for Weights and Measures should be proclaim'd in every Market-Town, and that there should be a Bushel, common Balance and Weights, in every Market-Town, City, and Borough, kept by the Mayor and Justices, according to the Standard in the Exchequer; and if any Person shall presume to sell or buy by any other Weight or Measures, they shall forfeit Five Pounds to the Person that shall sue for it, and Five Pounds to the King.'

7. Recognizors having found out a Way to defeat the Executions of such Persons as they were indebted to by Recognizance, by bringing their Writs *De Corpus cum Causa* out of Chancery, and giving Sureties to the King only, were delivered out of Prison, and their Creditors defeated of their Debts; it was therefore ordained, ' That Sureties should be given as well to the Party as to the King, that their Debts may be surely paid.'

Other Acts, of less Importance, were also made this Session; as, about the Measure of certain Cloths, called *Streights*; for the punishing of such as shall dare to assault any Person coming to the Parliament, or Council, by the King's Command; and, lastly, for setting a Price upon Wax-Candles, Images, and Figures: But these Acts being only temporary, and long since out of Use, deserve little Regard.

We shall only observe that this Parliament sat to the 21st of *December*, for on that Day the Bishops and Lords of the King's Council were asked whether they would attend? The Cardinal, the two Archbishops, the Bishops of *Ely* and *Lincoln*, answered, They would when they could; but all the others promised absolutely to attend.

The Business done in this Parliament was great, and takes up a vast Space on the Rolls; but, before we part with it, we shall take Notice of two other Particulars; one was, That all Lords, Knights, Esquires, Yeomen, and all other Persons in the Realm, should, by special Com-

Commission, swear to perform the Article as made in King Henry VI. the eighth of this King°. The other, That all *French* Prisoners in this Kingdom, as well Hostages as others, who are found at large without the King's Safe-Conduct, their Keeper, or Host, may be, by any *Englishman*, taken and ransomed as his Prisoner; considering, adds the Record, that *Englishmen* be so served in *France*. A Law called *Lex Talionis*, made by this Parliament.

The *French* War still continued, and about this Time with good Success to the *English*, under the Conduct of the victorious Lord *Talbot* and the Earl of *Arundele*: But the latter having the Misfortune to be killed before the paltry Castle of *Gerberoy*, and the Dukes of *Bedford* and *Burgundy* commencing a Quarrel, which ended in an open Rupture between them, Affairs were again thrown into a different Situation in that Kingdom.

In this Interval we find that Writs of Summons were sent out to call a Parliament, dated Nov. 1, to meet at *Westminster* on the 8th Day of *July* following; which was afterwards prorogued to *Reading* fifteen Days after *Michaelmas*, in the 12th Year of this King's Reign.—The Abridger of the Records hath given us no Proceedings of this Parliament, for which Reason we suppose they were not entered on the Rolls; nor are there any Acts in the Statute-Books relating to it. It was not till two Years after the last, that a Parliament sat to do Business, which was called by Writs dated at *Westminster*, *July* 5, *Anno Dom.* 1435, to meet at the same Place on the 10th of *October* following.

[228]

On which Day, being assembled before the King, sitting in his Chair of State in the Painted Chamber, the Bishop of *Bath* and *Wells*°, then Chancellor of *England*, by the King's Command, opened the Session with a Speech, and took for his Theme this Text, *Solliciti sitis servare Unitatem Spiritus in Vinculo Pacis*; and, amongst other Matters, he told them, ' That the Duke of *Burgundy*, who had sworn Allegiance both to the King and his Father, had basely broke his Oath, and revolted: That he had appointed a Diet, or Sitting, at *Arras*, without the King's Knowledge, where two ' Car-

Anno Regni 14.
1435.
At Westminster.

° See in this Volume, p. 232.

P *John Stafford*, afterwards translated to *Canterbury*. Le Neve's Fasti.

King Henry VI. ‘ Cardinals came to treat about a Peace between *England*
 ‘ and *France*: That, after the King was acquainted with
 ‘ it, he sent some Persons of Quality as his Ambassadors
 ‘ at this Meeting, who there proposed reasonable and
 ‘ honest Terms of Agreement, which the *French* refused
 ‘ and scoffed at; by which nothing was done at that
 ‘ Diet. After which the King, he said, was told that
 ‘ the said Duke of *Burgundy* had entered into a League
 ‘ with the *French*; and, as such, there remained nothing
 ‘ for the King to do, but either to lose his Stile and Title
 ‘ and Kingdom of *France*, or else resolve to defend the
 ‘ same by Force. How to act in the best Manner in
 ‘ these Affairs, he added, was the Cause of this Assem-
 ‘ bly; for which End he desired the Commons to chuse
 ‘ a Speaker, and next Day to present him to the King.’
 Accordingly they presented *John Bowes*, Esq; whose Ex-
 cuse being refused, he made the usual Protestation, which
 was allowed.

[229]

JOHN BOWES,
 Esq; chosen
 Speaker.

The first Thing we find upon the Record that this Parliament went upon, was to give Authority to the King's Council to make Securities to the Creditors of the Crown for 100,000*l.* By the King's Letters Patent Security was also given to certain Persons, there named, for 8000 Marks sent by them to the King out of the Revenues of the Duke of *Bedford*, and the Earl of *Arun- dele*, deceased.

An unusual large
 Subsidy.

On the 23d of *December*, which probably was the last Day of this Parliament, since *Christmas* was so near, an unusual Subsidy was also granted by this Parliament, *viz.* That every Person holding any Frank Tenant in Lands, Annuities, Fees, Offices, or Hereditaments, above the yearly Value of 5*l.* should pay 6*d.* for every Pound, upon his Oath. Ascending from the said 100*s.* or 5*l.* up to the yearly Value of 100*l.* Above the last Sum to 400*l.* a-year, 8*d.* a Pound; and above this Estate of 400*l.* yearly, up to the highest Valuation, 2*s.* for every Pound. They also granted to the King a full Tenth and a Fifteenth on the Laity; deducting thereof 4000*l.* for the Relief of decayed Towns and Villages. A Subsidy also on every Sack of Wooll; 33*s.* 4*d.* from Merchants Denizens; and 46*s.* 8*d.* from Aliens; and so according to that Rate on other Staple Ware, with Tonnage and Poundage, for two Years.

It

It is supposed that these large Subsidies were granted, King Henry VI⁴ as a very extraordinary Aid, to enable the King to keep his Possessions in *France*, then in great Danger of being intirely lost, by the Death of the Duke of *Bedford*, Regent of *France*, who died at *Roan*, Sept. 14, 1435; soon after a Peace had been concluded between *Charles* the *French* King and the Duke of *Burgundy*. It is said that the Duke of *Bedford* foresaw the Change that would inevitably follow the making this Union, and that it would root the *English* out of *France*; which was one great Reason that hastened his Death¹.

Some public Acts were made this Session, in order chiefly to regulate some Abuses in other Acts, or to explain them better. The most remarkable are, 'That the Judges, in their Circuits, shall have Power to give Judgments in all Cases of Felony and Treason, as well upon Persons acquitted as attainted, and award Executions according to that Judgment. That all Woolls and Wooll-fells, that shall be shipped to be transported, shall be carried to *Calais* only; and no Licences shall be granted to the contrary, except by the King and Council. That all Wooll and Wooll-fells, and other Merchandizes of the Staple, which shall be shipped in any Creeks or Ports clandestinely, in order to cheat the King of his Subsidies and Customs, shall be forfeited to the King. That all Persons who shall dare to disturb any Foreigners, in selling Fish or other Victuals, either by Wholesale or Retail, shall forfeit Ten Pounds, one Moiety to the King, and the other to the Person that shall sue for the same.'

[230]

Laws enacted

There is nothing else remarkable which passed in this Session of Parliament; and the *French* War still subsisting, another was called to meet at *Cambridge*, January 21, the very next Year after the last: But for Reasons of State, not mentioned, was ordered by other Writs to meet at *Westminster* on the Day aforesaid.

John Bishop of *Bath* and *Wells*, Chancellor of Eng- Anno Regni 15¹
land, opened this Session with a very elaborate Speech, 1436.
and made this Text his Subject, *Corona Regni in Manu Dei*, At *Westminster*.

King Henry VI. *Dei, Isaiah lxii.* On which he demonstrated, ‘ That
 ‘ three Sorts of Men are crowned, *viz.* All Christians
 ‘ in their Baptism, in Token whereof they are anointed :
 ‘ All Clerks in their Order, in Token whereof they
 ‘ are shaven : And all Kings in their Coronation, who
 ‘ in Token thereof wear a Crown of Gold set about
 ‘ with Flowers and precious Stones. The Figure of
 ‘ the Crown, he resembled to the Body Politic of the
 ‘ Nation ; the Flowers and Stones, to the Honours and
 ‘ Offices of a Prince, as Gold estimable and durable ;
 ‘ and that Commonwealth is most firm and stable which
 ‘ is governed by the faithful Care of a Prince ; for, as
 ‘ Gold is flexible to the Workman, so ought every Part
 ‘ of the Commonalty to be at the Beck of the Prince,
 ‘ seeking the Prosperity of him.

[231]

‘ The erecting and standing of the Flowers, in the
 ‘ upper Part of the Crown, denoteth the King’s Prehe-
 ‘ minency over his Subjects, which ought to be gar-
 ‘ nished with four Cardinal Virtues ; that is to say, in
 ‘ the Fore-Part ought to be Wisdom, adorned with three
 ‘ precious Stones, *viz.* Memory of Things past, Cir-
 ‘ cumspedition of Things present, and Prudence in Things
 ‘ to come. On the Right Hand ought to be Fortitude,
 ‘ accompanied with Courage in attempting, Patience in
 ‘ suffering, and Perseverance in well-meaning. On the
 ‘ Left Side ought to be Justice, distributing her Arms
 ‘ three Ways, to the Best, Mean, and Lowest. On
 ‘ the Hinder-Part ought to be Temperance with her
 ‘ Trinity, *viz.* Restraint of Sensuality in Fear, Silence
 ‘ in Speech, and Mortification in Will : All which, pro-
 ‘ ceeding from God, fully proved that *the Crown of the*
 ‘ *King was in the Hand of God.*’

He concluded with declaring, ‘ That this Parliament
 ‘ was called for three principal Causes ; the *first*, For
 ‘ Justice and Peace amongst Subjects ; the *second*, How
 ‘ the Commodities growing within this Realm might
 ‘ have a ready Vent ; the *third*, How the Realm might
 ‘ be defended, and the Sea kept against Enemies and
 ‘ Rebels. To which End he desired the Commons to
 ‘ chuse their Speaker, and present him the next Day to
 ‘ the King.’

The Receivers and Triers of Petitions for *England*,
 and all other Parts of the King’s Dominions, being ap-
 pointed

pointed, according to antient Custom, the Commons King Henry VI. presented Sir *John Tyrrel*, Knight, to be their Speaker; Sir JOHN TYR- whose Excuse being refused, he, with the common Pro- REL, Knight, testation, was allowed: But, *March 19*, a Committee Speaker, falling of Commons was sent to the King, declaring that their sick, WILLIAM of Commons had newly chosen *William Beerly*, Esq; to be their BEERLY, Esq; is Speaker, in the room of Sir *John Tyrrel*, disabled from chosen in his attending by grievous Sickneſs; which *William* was al- stead. lowed, by the King, under the usual Protestation.

The Subsidies granted by this Parliament (*March 27*) were the like Tenth and Fifteenth as in the last; also Subsidies granted the same Subsidy on Woolls, &c. with Tonnage and Poundage, were granted for three Years to come. Authority was likewise given to the King's Council to make Assurances to the King's Creditors for another Sum of 100,000 *l.* And, by the same Authority, the Treasurer of *England* was to pay to the Cardinal Bishop of *Winchester* 2000 Marks.

[232]

The important Town of *Calais* was at this Time besieged by the Duke of *Burgundy* in Person, and a numerous Army. On this the Duke of *Gloucester*, Captain or Governor of the said Town, petitioned this Parliament, that if any Misfortune should happen to his Charge, for Want of Payment of the Soldiers in that Garrison, the same might not be imputed to his Misconduct: However, History informs us that the Duke of *Gloucester* went over in Person, with an Army, to the Relief of that Town; on whose Arrival the *Flemings*, under the Duke of *Burgundy*, raised the Siege, and fled away shamefully for Fear of a Battle.

The particular Acts made this Session, were, *first*, Acts passed, 'A Remedy was provided against vexatious and troublesome Suits of such Persons as were not of the King's Household, in the Court of Stewards and Marshals of the King's House; and it was allowed as an Exemption from their Jurisdiction to plead and aver, that they are not of the King's House.'

Second, 'An Allowance was given to all the King's Subjects of *England* to transport Corn, when at a low Price, out of the Realm, viz. Wheat at 6 *s.* 8 *d.* and Barley at 3 *s.* 4 *d.* the Quarter.'

Third, 'An Injunction to all Sheriffs, Bailiffs of Franchises, and Coroners, that in Actions, or Writs of At-

King Henry VI. taint of Plea for Lands, of the yearly Value of 40*l.* they do not return or impanel any Persons but such as be inhabiting in his Bailiwick, and have an Estate to their own Use, in Lands and Tenements, to the yearly Value of 20*l.* or more, on the Penalty of forfeiting 10*l.* to the King, and 10*l.* to the Plaintiffs in the said Action or Writs of Attaint; and that no Person of less Sufficiency of Freehold than 20*l.* a-year shall be sworn in the King's Court upon any Issue in the said Actions, if he be by the Plaintiffs in due Form challenged.'

[333]

Fourth, 'A Permission was given to all Persons, as well Religious as Secular, to appoint themselves General Attorneys to sue or plead for them in every Hundred or Weapontake.' And,

Fifth, 'A Prohibition was laid upon all Merchants, to ship, or cause to be shipped, any Wooll, Wooll-fells, or other Merchandizes belonging to the Staple, in any Place within this Realm, except at the Keys and Wharfs assigned by the Statute, where the King's Weights and Woolls are set; excepting the Merchants of *Genoa*^r, *Venice*, *Tuscany*, *Lombardy*, *Florence*, *Catalonia*, and the Burghesses of *Berwick*.

It may not be improper to take Notice of some Petitions also, of a more public Concern than ordinary, as, On a Petition of *Humphrey Duke of Gloucester*, and *Dame Eleanor* his Wife, the King granted his Letters Patent, confirmed by this Parliament, giving Licence to the said Duke to impark 200 Acres of Land in *Greenwich*, and that they may embattle their Manor-House there, and build it with Stone; also to raise a Tower of Stone within the said Park.

John Earl of Oxford petitioned for a Pardon for 300*l.* the Remainder of a Fine of 3000*l.* paid to the King for marrying without Licence. It was answered, That the said Debt was assigned over, but that the King would remember him some other Way.

Sir Richard Woodville, Knt. paid to the King 1000*l.* as a Fine for marrying *Jaquet*, or *Jaqueline*, Duchefs of *Bedford*, without Licence. This foreign Lady shewed as little Continence in her Widowhood as Queen *Katherine* had done, being quickly married again to the afore-said brisk young Knight, afterwards created Earl of *Rivers*,

^r In the old Statutes this City of *Genoa* is always wrote *Jean*.

Rivers, by whom she had several Children; and amongst them the Lady *Elizabeth*, who, being Wife to King *Edward IV.* was afterwards Queen of *England*.

About this Time died *Katherine* Queen of *England*, Mother to *Henry VI.* and it being notified to the King in Parliament, that his Mother had made him sole Executor to her Will, the King appointed *Robert Ralston*, Clerk, Keeper of the Great Wardrobe, *John Merston* and *Richard Alreed*, Esqrs. to execute the said Queen's Will, under the Direction of the Cardinal, the Duke of *Gloucester*, and the Bishop of *Lincoln*, or any two of them, to whom they should account.

[234]

On the Petition of *Isabel*, late Wife of *John Boteler*, of *Beansly*, in the County of *Lancaster*, Knight, which *Isabel*, one *William Pull*, of *Wirall*, in the County of *Chester*, Gentleman, shamefully did ravish; it was enacted, That if the said *William* do not surrender himself after Proclamation made against him, that he should be taken as a Traitor attainted. The said *Isabel*, by another Petition, shewed how the said *William*, by Durefs and Means of Imprisonment, inforced her to marry him, and, under Colour thereof, ravished her; for which she prayed to have her Appeal; which was granted.

The last Things we find on the Record, transacted this Parliament, was the King's general Pardon of all Treasons, Felonies, Forfeitures, and other Offences; but this does not appear in the Statute-Books. This Act of Indemnity was granted on the same Day, *March 27*, after the foregoing Subsidies were given, and which was the last of this Parliament. Authority was given also to the Lords of the Council, to answer all such Petitions as were not answered in this Parliament.

A general Pardon.

We have now a Course of three Years before we meet with another Parliament, the before-given Subsidies being to subsist till then; during which Time our larger *English* Historians are very full in their Descriptions of the *French* War, and the various Effects of it to both Nations. But in the Year 1439, the *English* Government wanting fresh Supplies, a Parliament was sum-

Q 2

moned

^r She died *January 2*, 1436-7, at *Bermondsea*, and was buried at *Westminster*. Her Bones are shewn, at this Time, in an open Coffin in *Westminster* Abbey.

King Henry VI. moned to meet on the Morrow after the Feast of St. Martin, or November 12, at *Westminster*.

Anno Regni 18. At which Time and Place being all assembled, the Bishop of *Bath and Wells*, still Chancellor, was commanded by the King to open the Session by a Speech, who took for his Subject this Text, *Adaperiat Dominus Cor vestrum in Lege sua, & in Præceptis suis, et faciat Pacem*†. From which Words he endeavoured to draw

[235]

two especial Points; the *first*, 'What great Desire every Christian ought to have to the Reformation of his Life, by the only Means of God; who, against all Hardness, was to bend and to incline his Heart to God's Laws and Commandments. The *second*, What Thirst every sick Christian ought to have, to crave and seek Peace, after his manifold Conflicts and Battles in this World.

As to the *first*, That God should open the Heart, and not the Hearts, since the Words were spoken to the Children of *Israel*; he noted that thereby was meant a mystical Unity, according to these Words in Scripture, *Convenit universus Israel ad Civitatem quasi Homo unus, eadem Mente, unoque Consilio*; which, being spoken to them, was left for our Learning, that we might follow the same, and might attain to true Peace.

To the *second*, By this Word *Israel* is understood their States, namely, of Princes, of Nobles, of Power, and of Wisdom; all which, if they agreed in Unity, there is no Doubt but Peace of Body and Soul would ensue.

For the Restoring of which he told them that this Parliament was called; remembering them, that the King would have all Estates enjoy their Liberties; then desired the Commons to chuse, and the next Day to present, their Speaker to the King.

This formal Prelate having ended his Spiritual Harangue, the next Day the Commons presented to the King *William Tresham*, Esq; who, with the usual Solemnity, was allowed as their Speaker.

We find, by the Record, that this Parliament sat but a short Time at *Westminster*; for, before they had done any Business, on the 21st of *December* they were prorogued to the Morrow after St. *Hilary*, [*Jan. 14*] to meet at *Reading*. This Prorogation to so distant a

Place

† *Secundo Machabeorum primo.* Record.

WILLIAM
TRESHAM, Esq;
Speaker.

Place from the other, was because, as the Record tells ^{King Henry VI.} us, there was so much Business to do at it as could not be perfected before *Christmas*: But Historians acquaint us that the Plague then raged in *London* and *Westminster*, which might be another Reason for their Removal. There is no Account left us of their second Meeting; but the Entries on the Rolls are put down as if they were all done at one Session.

The Subsidies granted by this Parliament were a full ^{Supplies granted.} Tenth and a Fifteenth, and half a Fifteenth and a Tenth, to be levied on the Laity in such Form as was in the fourth Year of this King. An Impost on Woolls was also granted for three Years, as *An. 14 Henry VI.* The Commons also granted to the King, That all Aliens, Men and Women, not Denizens, within the Realm, should pay to the King, yearly, 16*d.* for each, being an House-keeper; being none, 6*d.*

The same Authority was also given to the Treasurer of *England*, and others, to make Securities for 100,000*l.* as in former Parliaments. An Order was also taken for the Payment of the King's Debts, contracted for the Provisions of his Household.

There were no less than nineteen Statutes made in this Parliament, though how long it sat at both Places is uncertain. The most remarkable of which Acts are these: [236]

1. ' That Cheese and Butter may be carried out of ^{Acts passed.} the Kingdom without Licence.

2. ' That Merchant Strangers shall not sell their Merchandizes one to another in *England*; but that every such Merchant shall have an Host, or Surveyor, appointed him at his Landing, by the Chief Officer of the Town or Place where he shall land, who shall keep a Register of all he buys and sells, and take Twopence in the Pound of him for all Merchandize by him bought or sold, and the said Merchants shall sell and buy all within eight Months.

3. ' That all Persons, made Justices of the Peace, should have Lands and Tenements to the Value of 20*l.* a-year, except in Cities and Corporations.' The Reason assigned for this Statute was then, as it has very lately been thought proper, because that some Persons had been appointed Justices, who, on Account of their

King Henry VI. Meanness and Incapacity, could not govern or direct the People; whilst others, by reason of their Necessities, committed great Extortions and Oppressions.

4. 'That no Captain shall detain the Wages of common Soldiers, except it be for their Cloathing, under the Penalty of 20*l.* for every Spear, and 10*l.* for a Bow, to be paid to the King'.

5. 'That every Person mustering and receiving the King's Wages, who shall depart from their Captains and the King's Service, without apparent Licence granted them by the said Captains, shall be punished as Felons.

6. 'That no Person shall be a Collector of *Dismes* and *Quinzimes* [Tenths and Fifteenths] in any County, who is so in the City of the same, except he be able to dispend, in Lands and Tenements, in the said County, 100*s.* a-year, over and above all Charges and Reprizes.'

[237]

There are also many Petitions on private Affairs, which are not worth Notice; the most public from the Commons, with their Answers, are as follow:

Petitions,

Pet. 'That no Person, once making Fine for not being Knighted, be ever again called for it; and that the Fines be no other than usual.

Ans. *The King will be advised.*

Pet. 'That every Merchant may lawfully transport all Manner of Hides, Calf-Skins, long Fells, and Tallow, to what Place he liketh, besides to *Calais*.

Ans. *The King will be advised.*

Pet. 'That no Owner of any Ship be impeached for any Hurt done by his Ship to any other Ship on the Sea, or in Port, or Creek, if he was not a Party thereto.

Ans. *The same as before.*

Pet. 'That every Collector of Customs, and Comptroller of every Port, may licence the King's Subjects to transport Corn from one Shire or Town to another, taking Surety of Debt, to the Value, that the same be not carried beyond Sea.

Ans. *As before.*

Pet. 'That no *Italian*, or other Merchant, beyond the Straits of *Morocco*, [now *Gibraltar*] bring any Merchandize into the Realm, but such as is the Produce

of

‘ of their own Countries, for very good Reasons mentioned in the Record. King Henry VI.

Ans. *The same as above.*

Pet. ‘ That all Spiceries sold in any Port within the Realm, by any Merchants Strangers, be as clear garbelled as the same is in London.’

Ans. *The King will be advised.*

An Act was made this Session, That the fourth Part of the Tenth and Fifteenth shall be paid to the Treasurer of the King’s Household, in order to make ready Payment for the King’s Purveyance. And by the said Act it appears, the Revenues of the Duchies of *Lancaster* and *Cornwall* were also appropriated to that Use.

On the Petition of the Judges it was enacted, ‘ That all the Justices of both Benches, Justices of Assize, the King’s Serjeant and Attorney, shall yearly, at two Feasts of the Year then expressed, be paid, and allowed their Fees and Liveries, by the Hands of the Clerk of the Hanaper for the Time being, out of the Customs of *London*, *Bristol*, and *Kingston upon Hull*.’

[238]

The Archbishop of *Roan*, Cardinal of *Luxemburg*^w, to whom the Pope, at the Death of the Bishop of *Ely*, had granted, during the said Archbishop’s Life, all the Profits of the said Bishopric, by the Name of Administrator, shewed his Bull to the King, who utterly rejected it: Notwithstanding, for his Services done in *France*, the King makes him a new Grant of the Administration aforesaid. So strictly was the Statute of *Præmunire*, so often mentioned before, adhered to in those Days.

The last Thing that we think proper to take Notice of, among the Transactions of this Parliament, is, that, in Consideration of the great Plague of Pestilence, so called, it was enacted, ‘ That all such Persons as should do Homage to the King, holding by Knight’s Service, should do the same without *kissing him*; and the same Homage to be as good as though the *Kiss* was given.’ On which the Abridger of the Records makes this wise Remark, ‘ That, by this, it appears that the Custom of Homage done in those Times doth greatly vary from the present Ceremony; for now they are so far from kissing the King, that they do not so much as see him.’

In

King Henry VI.

Anno Regni 20.
1442.

At Westminster.

In the 20th Year of this King another Parliament was called by Writ, to meet at *Westminster* on the Feast of the Conversion of *St. Paul*; but no more than the Names of the Peers so summoned are given in the Abridgement of the Records about it. It stands, however, on the Roll of Parliament, 20 *Henry VI.* and from thence we give this Abstract of the Proceedings of it.

The Parliament being met, and the King seated on his Throne, in the Painted-Chamber of the Palace of *Westminster*, *John* Bishop of *Bath* and *Wells*, still Lord-Chancellor, declared the Cause of the Summons, and took for his Theme, *Rex & Thronus ejus sit innocens.* On which short Text the Chancellor made a very long Harangue; but it being purely spiritual, and a Sermon throughout, in which a great deal of the School-Divinity of that Age is intermixed, we shall omit, and come to his recommending to the Commons to chuse a Speaker; which they did, and the next Day presented *William Tresham*, Esq; for that Purpose; who, with the usual Protestation, was allowed.

WILLIAM
TRESHAM, Esq;
chosen Speaker.

A Subsidy.

The Taxes and Subsidies granted this Parliament were much the same as in the last; a Tax of a Fifteenth and a Tenth on all moveable Goods, to be laid on the Laity; reserving 4000*l.* of the Money arising from this Tax for the Relief of decayed Towns and Villages, as had been done in some late Parliaments. Some of these Places are particularly named in these Grants, of which the City of *Lincoln* is always one. They also granted the same Subsidy on Wooll and Wooll-fells as in the last, for two Years next coming; wherein is likewise a saving Clause to the said City, That the Mayor and Citizens, and their Successors, shall ship off yearly sixty Sacks of Wooll, at the Ports of *Kingston* upon *Hull* or *Boston*, without paying any Subsidy. And this extraordinary Grant is said, in the Record, to be given in Support and Relief of the great Charge they were at in the Payment of the Fee-Farm Rent of the said City.

The same Kind of Poll-Tax on Aliens, as in the last, was granted by this Parliament, viz. 1*s.* 4*d.* on Householders, and 6*d.* on those that were not; Tonnage and Poundage also at the usual Rates; and all these Taxes and Subsidies for two Years to come.

A Vote of Credit was also passed, for the King and King *Henry VI.* his Council to borrow 200,000*l.* and to make Affurances for the same out of the Funds arising from the Subsidies, &c.

Amongst the Acts passed in this Parliament, there was one somewhat particular; for a Law was made in it, That Noble Ladies shall be tried by their Peers. 'A Law, says Mr. *Nathaniel Bacon*, now first stamped; and strange it was, adds he, that it never came before into the Breast of the Law; but that it came now is not strange; for no meaner Person than the Duchess of *Gloucester* was first charged with Treason; when that could not appear, then with Necromancy, very fitly, that she might be tried by the Ecclesiastical Way of Witnesses. She is found guilty, and a Sentence of Penance, Imprisonment, and Banishment passed thereupon; after such a wild Way, as both Nobles and Commons passed this Law for the Vindication of that Noble Sex from such huddling Trials for the future^a.

The rest of the Business of this Parliament runs chiefly on private Matters; a Patent was passed in it for creating Sir *John Cornwall* Baron of *Milbrook*, with a pompous Preamble to it, declaring his Descent, and great Services done in the *French Wars*, &c. We shall therefore only say that they sat till *March 27, 1443*, and then were dissolved, making Way for much greater Matters which were transacted in some of the next Parliaments.

It was not till near three Years after this Period that we meet with any Account of a Parliament, when Writs were issued out, dated at *Westminster*, *January 13*, for one to meet at the same Place on the 25th of *February* following.

[239]
An. Reg. 23, 24,
1445.
At Westminster.

In Presence of the King sitting in Person in his Chair of State, and of the Lords and Commons, *John Stafford*, late Bishop of *Bath* and *Wells*, but now Archbishop of *Canterbury*, Primate of all *England*, Deputy to the See of *Rome*, and Chancellor of *England*, declared the Cause of calling this Parliament, and took for

^a *Nathaniel Bacon's* Continuation of an Historical Discourse on the Government of *England*, &c. p. 174.

King Henry VI. for his Subject these Words from *Psalm lxxxiv. Justitia & Pax osculatæ sunt.*

The King's

Marriage notified

On which he told them, 'That thro' the great Diligence and Conduct of the Earl of *Suffolk*, the King's dear Cousin, and other Noblemen, sent as Ambassadors into *France*, as well upon a Treaty of Marriage to be had between the King and *Margaret*, Daughter to the King of *Sicily*, as for to settle a Peace between *England* and *France*, the said Marriage was contracted; and a Suspension of Arms, for a Time, was granted. He further said, That the said Earl staid in *France* for the safe Conduct of the said Princess *Margaret* into the Realm of *England*, by which two Means he nothing doubted, but that, thro' God's Grace, the said Truce would end so well that Justice and Peace should be within this Nation more than it had been.' He then bid the Commons chuse and present their Speaker to the King.

WILLIAM

BURLEY, Esq;

chosen Speaker.

On the second Day of this Parliament the Commons notified to the Lords, that they had chosen their Speaker; and the next Day they presented *William Burley*, Esq; to the King; whose Excuse being rejected, he was allowed as Speaker, under the common Protestation.

This Session, we find, by the Record, was continued to *March* the 15th, but no Notice taken of any more Business done in it; when the Chancellor, by the King's Command, with the Assent of the Lords, and in the Presence of the Commons, prorogued the Parliament from that Day to the 29th of *April* next ensuing, at *Westminster* aforesaid.

[240]

The new Queen
crowned.

This Prorogation we may suppose was designed to give Time for the new Queen to arrive, who came into *England*, under the Conduct of the Earl of *Suffolk*, about the Beginning of *April* this Year, and was crowned at *Westminster*, the 30th of the same Month, with the usual Solemnity and Ceremonies. This Lady was the Daughter of *Reyner*, Duke of *Anjou*, and titular King of *Sicily*, *Naples* and *Jerusalem*; Great Names, indeed! but they brought this poor King neither Profit nor Authority. The Match was first propounded by the Earl of *Suffolk*, at that Time sent as one of *Henry's* Ambassadors to treat about a Peace with the *French* King.

King. And, tho' she brought no Fortune with her, King Henry VI. yet it was believed it would prove an effectual Means of uniting the Minds of the two contending Princes: For she, being a near Relation to the King of France, might prove the Foundation of a firm Peace; which would save *England* more Treasure than the greatest Prince in the World could give with a Daughter⁹.

These were the apparent Motives that induced the Earl of *Suffolk* to exceed his Commission; and, without his Master's Knowledge, not only to contract him in Marriage, but to undertake, instead of receiving a Portion with the Lady, that the Duchy of *Anjou*, with the whole Province of *Main*, then in the Hands of the *English*, should be given up to her Father. Though the Earl of *Suffolk* was more zealous than cautious in this Affair, yet knowing well his Master *Henry's* natural Mildness and Disposition for Peace, he ventured to take this extraordinary Step; which, though at first was well relished in *England*, both by the King and People, yet, in the End, proved very detrimental to the *English* Interest, and was the Occasion of *Suffolk's* own Destruction. What Notice was taken of these primary Affairs, in Parliament, the Consequence will shew.

[241]

But before this Parliament suffered its first Prorogation we find, by the Roll, that, on the 15th Day of *March*, in the 23d Year of this King and the 19th of this Session, the Commons, with the Assent of the Lords, granted the King half a Fifteenth and half a Tenth of all moveable Goods, reserving out of both 2000 *l.* for the Relief of decayed Cities and Burghs, and were prorogued to the 29th Day of *April*, as above; which then was in the 24th Year of this Reign. From which Time they seem to have sat untill the 5th Day of *June*, the same Year, without any Business, entered on Record, being done at this second Session. For on the last-

mentioned

⁹ Polydore Vergil gives this Princess the following high Character: *Puellam tam ultra alias Fœminas pulchram quam prudentem, ac Animo præter Naturam Sexus præditam ingenti, quod ejus Res gestæ quas suo Ordine memorabimus perspicue declararunt.* Polyd. Verg. Lib. xxiii. p. 491.

Another Foreigner compliments his Country Woman in a lofty Strain: ——— *L'Angleterre n'avoit point encore vue de Reine plus digne du Trône que Marguerite d'Anjou. Nulle Femme ne la surpassoit en Beauté, & peu d'Hommes l'égalloient en Courage. Il sembloit que le Ciel l'eût formée à Dessein de suppléer à ce qui manquoit à son Mari pour être un grand Roi, &c. D'Orléans liſt. de Revol. d'Angleterre. Tom. II. p. 196.*

King Henry VI. mentioned Day another Prorogation succeeded to the 20th of *October*, next coming, at *Westminster*. The Reason of this last Prorogation is said to be a dreadful Pestilence that then began to break out in the City of *London* and Suburbs of the same^b, before the Parliament had dispatched the great Business that was before them. And also because, the Autumnal Season approaching, the Lords might retire to their Country Recreations, and the Commons better attend Harvest, &c.

From the 20th of *October*, the Day we must suppose this Parliament met again, we find they sat to the 5th Day of *December*, but no Entry of any Business, in this Interval, is on the Roll; but, on that Day, it is said the King, by the Advice of the Lords Spiritual and Temporal, again prorogued this Parliament to the 24th of *January* next coming at *Westminster*. The Reason of this last Prorogation is said to be for that they had more Business before them than they could dispatch before *Christmas*.

From the last mentioned Day, *January* 24, a very long Series of Business, done by this Parliament, is entered on the Roll; and seems as if it was the Sum of all they had done since their first Meeting. A Detail of what may be thought necessary now follows. And

Another Subsidy
granted by this
Parliament.

The first Thing of Moment we find is a Grant of another, and a much greater, Subsidy than the last, *viz.* a whole Fifteenth and a Tenth, and half a Fifteenth and a Tenth; reserving, out of the former, the Sum of 6000*l.* and out of the latter 3000*l.* for the Relief of poor Towns, desolate, wasted, and destroyed; or, as the Record has it, to the said Fifteenth and Tenth over-greatly charged. This Grant was made, we are told, on the 9th Day of *April*, which was the last of the Sitting of this Parliament. Tonnage and Poundage, as granted in former Parliaments, was also settled for three Years to come.

The same Day the foregoing Grants were made, the Lord Chancellor of *England*, in the Presence of the King and whole Parliament, made a Protestation, 'That the Peace which the King had made with the ' *French King*, or rather was about to make, was merely

^b *Quod in Civitate London et Suburbis ejusdem gravis Pestilentia ceperat iam orire.* Rot. Parl. 23 & 24 Hen. VI. No. 11.

‘ly of his own Motion and Will; and that he was not King *Henry VI.*
 ‘instigated thereto by himself, or any of the Lords what-
 ‘soever.’ Which Protest was enrolled.

On this it was enacted, by the Authority aforesaid,
 ‘That the Statute made in the Reign of *Henry V.* im-
 ‘porting, That no Peace should be made with the *French* A Peace with
France.
 ‘King that now is, and was then called the *Dauphin*
 ‘of *France*, without the Assent of the Three Estates of
 ‘both Realms, should be utterly repealed and revoked:
 ‘And that no Person whatsoever should be impeached
 ‘at any Time to come, for giving Counsel to bring
 ‘about this Peace with *France*.’

This extraordinary Act, which, by the bye, is not in-
 serted amongst the Statutes of this Parliament, seems to
 have been calculated for a Compliment to the Earl of
Suffolk, now made a Marquis for this Piece of Service,
 and to indemnify him from any further Trouble about
 the Match; for we are told, by the Records, that, on
 the second Day of *June* last, the Marquis came into the
 House, and made a Declaration of his Services to the
 King, Lords, and Commons, and his Request was, that
 they would judge all he had done to be reasonable and
 just. That, on the 4th of *June*, the Speaker of the House
 of Commons came before the King and Lords, and
 there, in Behalf of their whole Body, highly commend-
 ed the Person and numerous Services of the Marquis and
 Earl of *Suffolk*, particularly for the King’s Marriage, [242]
 and for obtaining the Truce with *France*; for all which, The Marquis of
Suffolk approved
by the Parlia-
ment for his
Conduct therein,
 at the Request of the Commons and Mediation of the
 Lords, a Vote was passed, ‘That the said Marquis
 ‘should be esteemed as a most true and faithful Subject
 ‘to the King.’

An Historian of Credit, and more circumstantial in
 Parliamentary Affairs than any other, tells us, That
 ‘the Marquis of *Suffolk* made a long and elegant Speech
 ‘in the House of Lords on this Occasion; setting forth
 ‘the Pains and Labour he had been at in his Ambassage
 ‘into *France*, as well in concluding a Truce for a Sea-
 ‘son, as in making up the Match for the King; ad-
 ‘vertising them, that, as the Truce was to expire in
 ‘*April*, he, like a faithful Subject, advised that all Pre-
 ‘paration should be made for the Preservation of the
 ‘King’s

King Henry VI. ' King's Country in *France*, praying them to take Notice of it, and give him a Discharge for his Legation. ' The next Day he went into the Lower-House, and, ' with equal Eloquence, not only shewed his Fidelity ' in his Legation, but set forth what great Charges he ' had been at in attending it, and fetching over the ' Queen; desiring that this Action might be recorded ' in the Parliament Rolls, and himself be discharged by ' both Houses, with a Consideration for the Expence. ' Behold, (adds our Authority) what the Eloquence of ' Favourites can do! Few Men of Prudence in either ' House but knew that the Marquis deserved little ' Thanks for his Labour, either in making the Peace ' or the Match; yet, as if all had been well done for ' the Nation's Interest, the very next Day the Speaker ' of the House of Commons, *William Burley*, attended ' with a great Number of the House, went up to the ' Lords, and desired their Concurrence in a Petition to ' the King, to reward the Marquis for his Services: ' And, to shew their Gratitude, they caused the whole ' Action to be inrolled, and gave him a whole Fifteenth ' in Consideration of his Expences.'

[243]

This is our Historian's Account, which differs not much, except in the Embellishment, from the Records; and except the Fifteenth given to the Marquis, of which there is no Mention in the Records, nor in any of our antient Chronicles. A modern Historian remarks that this was one of those Parliaments that was managed by Court Intrigues; which, adds he, has been too often the Case. This plainly appeared in a Resolution to return the Marquis of *Suffolk* public Thanks for negotiating the King's Marriage, without any Advantage accruing to either King or State, by uniting him to a Family that was a mortal Enemy to both^u.

There are no less than eighteen several Acts, some new, and others explanatory, which were passed this Session, and are in our Statute-Books. The Heads of those, that chiefly regard the public Concern, are these:

' A Rehearsal of the Statute made 15 *Hen. VI.* chap. II. touching Licence to transport Corn, when Wheat doth not exceed 6 s. 8 d. and Barley 3 s. 4 d. the Quarter, made

^u *Rapin*, Folio Edition, 569.

made perpetual' *. No Man shall be Sheriff or Under-Sheriff, &c. above a Year. No Sheriff shall let to Farm his County or Bailiwick : The Sheriffs and Bailiffs Fees in several Cases limited.' King Henry VI.

' An Act for the ordering and levying the Wages of the Knights of Parliament. Who shall be Knights for the Parliament. The Manner of their Election. The Remedy where one is chosen and another returned, &c.'

The King's Letters Patent under the Great Seal of *England*, and under the Seal of the Duchy of *Lancaster*, made to *John*, Cardinal and Archbishop of *Canterbury*, and several others, relating to some Possessions in the said Duchy ; and three other Letters Patent under the Seal only of the Duchy of *Lancaster*, made to the Persons aforesaid, of several Possessions to the Performance of the Last Will and Testament of the present King, were read and confirmed by the whole Estates in Parliament.

The King's Letters Patent for the Erection and Endowment of *Eaton* College, founded 20 *Henry VI.* with all the Lands and Liberties then and now granted, were especially declared and confirmed by Parliament. As also the like Letters Patent of the King's, made for the erecting and endowing a College [*King's College*] in *Cambridge*, were publickly read and confirmed by this Parliament.

[244]

The new Queen seeing the Marquis of *Suffolk*, who is said by Historians to be too great a Favourite with her, particularly honoured for his Services by the Lords and Representatives of the Nation, found it no Difficulty to get her easy Husband to join in conferring new Dignities upon him. He was presently raised from Marquis to Duke of *Suffolk*, and had several Manors and Wardships given him to support this new Dignity ; and, having the Queen's Heart, who certainly managed the King as she pleased, this new Duke may properly be then said to be the greatest Man in the Kingdom.

He is created a Duke, and gains the Management of the Kingdom, by the Queen's Means.

The Person that stood the most in their Way to an absolute Rule, was *Humphrey*, for his great Humanity and Hospitality, justly called the good Duke of *Gloucester*. This Nobleman had been long engaged in a mortal

* This was done, says *Hall*, to please the People ; ad captum *Vulgi*. And was again confirmed by *Edward IV.*

King Henry VI. mortal Quarrel with his half-bred Uncle, *Henry Beaufort*, the haughty Bishop of *Winchester*; as the former Part of these Inquiries, and the larger *English* Historians, do more particularly relate. The Duke had acted in his Protectorship with great Wisdom and Caution; yet even in that great Post he could not escape a Snare laid for him by the Cardinal, and his other Enemies. His Duchess was accused of tampering and dealing with Witches and Conjurers, in order to deprive the King of his Life, and raise her Husband to the Crown. The superstitious Ignorance of that Age made this Accusation easily credited; and, being found guilty along with her Accomplices, they suffered Death, and she a shameful Pennance and a perpetual Imprisonment.

They contrive
the Ruin of the
Duke of *Gloucester*.

[245]

The new Favourite, as hath been said, having found he could not have all Things within his Gripe without removing this great Man, soon contrived to effect it. The first Step that the Queen and her Minion took, was to get the Duke of *Gloucester* not only displaced from having any Command about the King's Person, but even from his Council. Not long after they accused him of several Crimes and Misdemeanors; all which the Duke cleared himself so well of, that he was honourably acquitted of them before the King and Council.

This Disappointment did but aggravate his Enemies the more against him, and many other Snares were laid to catch him; for it was judged they durst not openly attack a Man of his Character, who was really the People's Darling. But a more plausible Expedient was at last thought of; a Parliament was resolved to be called, where he was to be apprehended for some Charge of High Treason, committed to close Custody, and then they thought they might have their Will of him.

A Parliament
called for that
End.

Accordingly we find, by the Records, that Writs were first issued out for calling a Parliament to meet at *Cambridge* on the 10th of *February*, 1447; but afterwards, for Reasons of State no doubt, other Writs were dispatched after them to summon the same Peers, by Name, to meet in Parliament, on the same Day, at *St. Edmundsbury*. *St. Edmundsbury*; when being all met, Lords and Commons, in the Refectory of the Abbey there, *John* Archbishop of *Canterbury*, Primate, Legate, and Chancellor, as before, opened the Session by the King's Command, and

Anno Regni 25.
1447.

and took for his Theme these Words: *Qui autem ineunt* King Henry VI. *Pacis Concilia, sequitur illos Gaudium.*

Before the Chancellor handled his Text, he thought fit to acquaint the Assembly, 'That, between the Ambassadors of the *English* and *French* Kings, an Agreement was made, that the two Kings should have an Interview; and that sufficient Assurance would be given for his Majesty's Passage beyond Sea, his safe Residence there, and Return: For which Reason the King desired their Advice, and would act accordingly.'

[246]

Afterwards, in repeating his Text, *Qui autem, &c.* he said, 'There were three Kinds of Counsels; the *first*, Of the Wicked, utterly to be shunn'd, according to the Saying of the *Psalmist*, *Beatus est Vir qui non ambulavit in Consilio Impiorum*: The *second*, Of the Good and Learned, who go with Circumspection, according to *Isaiah* vi. *Finito Consilio suscepit aetior in Domu sua, & fecit Cœnam magnam*: The *third*, Of the Holy Ghost, expelling all Doubts by working inwardly, according to the *Psalmist*, *Consilium autem Domini in æternum manet*; *Cogitationes Cordis ejus a Generatione ad Generationem.*' He concluded as usual, desiring the Commons to chuse and present their Speaker; and put them in Mind that the King's Will was, all Estates should enjoy their Liberties.

The Receivers and Triers of *English* and Foreign Petitions to this Parliament being appointed, on the second Day the Commons presented, as their Speaker, *William Tresham*, Esq; whose Excuse being rejected, he was, with the common Protestation, allowed.

WILLIAM
TRESHAM, Esq;
elected Speaker.

It is very remarkable, after this usual Preamble, that the Heads of all the Acts made in this Parliament, in the Statute-Books, are comprized in two Lines; and what is mention'd on Record is little or nothing to the Purpose. Authority given to the King's Council for borrowing 100,000*l.* some Grants of the King to his new-erected Colleges of *Eaton* and *Cambridge*; and an Exchange in the new Queen *Margaret's* Revenues of 4666*l.* 13*s.* 4*d.* out of the Customs, &c. for some Lands and Hereditaments settled on her, during Life, confirmed, was every Thing material done in this Parliament; except another Article, which may lead us into an Inquiry about this strange Proceeding of calling a Parliament on such

King Henry VI. a trifling Occasion; and when there were no Subsidies asked nor given, nor any other Business of Moment done at it. The Article is this: 'That it is by the King and Parliament enacted, That *Eleanor*, the Wife of the late Duke of *Gloucester*, shall be utterly barred from claiming any Dower of any of the Hereditaments, &c. of the said Duke ^b.'

By this it appears that another Motive, and which hath been hinted at before, was the Occasion of calling this Parliament; and since it has been so carefully kept out of the Records, the more general Historians must inform us.

[247]

'With the new Year, says one ^c, the Lords began to prepare for meeting in Parliament at *Bury* ^d; and that the Duke of *Gloucester* might fear no Evil, all Things at Court were carried with great Smoothness towards him; but Care was taken to have it whispered in his Ear, that it was necessary he should be at it, to prevent the Designs of the Queen and her Party. The good Duke, not at all jealous of ill Practices, but retaining his old Zeal for the Commonwealth, hearken'd to the Caution, and, with the rest of the Lords, came to the Place at the Time appointed, ready to attend the National Business.

'On the first Day of the Session all Things went well enough, and the Ceremonies at the Opening of a Parliament were performed as usual. But on the second Day the Lord *Beaumont* ^e, then High-Constable of *England*, being accompanied with the Dukes of *Buckingham* and *Somerſet*, and many others, arrested the Duke of *Gloucester* and put him in Custody under a strong Guard: His Servants were all taken from him, and

'thirty-

^b This Act begins thus: 'The King, considering the great Misgovernment of *Alianore* that was Wife of his Uncle, late Duke of *Gloucester*, &c.' This Act was made on the 3d of *March*, by which it appears that the Duke was dead before that Time. Rot. Parl. 25 *Henry VI.* No. 17.

^c *Sam. Daniel* by *Kent*, p. 396.

^d To which Town all the Commonalty of the whole County of *Suffolk* were warned to attend the King there, in their most defensible Array. *Fabian's Chron.* Anno 1447. *Hellingſhead* writes, That *Bury* was pitch'd upon as a most proper Place to execute their Purpose against the Duke, than either *Wallingſor* or *London*, on Account of his great Popularity. *Chron.* p. 627.

^e *J. Stowe* says that the Roads about *Bury* were all kept by armed Men, both Day and Night, so that many died of Cold and Watching. *Chron.* p. 386.

^f He is called, in the List of Peers, *John Lord Viscount Beaumont*.

The Duke of
Gloucester ar-
rested,

[248]

And murdered
privately.

R 2

‘ it

^f The History of Croyland, contemporary, speaks thus of the Duke, *Qui ad Responsum non admissus, nec judiciali Examine condemnatus, Vespere sospes & incolumis, Mane (proh Dolor) mortuus elatus est & ostensus.* Hist. Croyland. Continuatia, p. 521.

^g Fabian says within six Days after the Duke was arrested. Chron. Anno 1447.

John Stowe, twenty-four Days; and that some said the Duke died for Sorrow, that they would not bring him to his Answer. Chron. p. 386.

^h Their Names were Sir Roger Chamberlain, Knt. Middleton, Herbert, and Arbur, Esqrs. and one Richard Needham, Yeoman: They were sentenced to be drawn, hang’d, and quarter’d; of which the Drawing and Hanging were put in Execution; but when they were cut down to be quarter’d, and marked with a Knife for that Purpose, the Marquis of Suffolk, then present, shewed the King’s Pardon for them, and they were released. A dangerous Experiment. Fabian, *ibid.*

The Pardon is in the Public Acts; at the End of which is the Date at Westminster, June 4; and then, *Per Ipsum Regem, & de Data predicta, Auctoritate Parliamenti.* Ford. Ang. Tem. XI. p. 179.

King Henry VI. ' it was generally thought a sufficient Ground to believe
 ' that he was murdered by the Queen's Means; and
 ' some were so particular as to report that he was stran-
 ' gled between two Pillows, or Feather Beds, as *Thomas*
 ' *Woodstock*, Duke of *Gloucester* before him, had been;
 ' others, that he had an hot Spit run up his Fundament,
 ' as King *Edward II.* had; others affirmed, that he died
 ' of mere Grief, because he saw he must now fall a Sa-
 ' crifice to his Enemies Malice, without being allowed
 ' to defend himself; all which Conjectures have little
 ' Foundation. The most Discreet judge he was mur-
 ' dered; but, being transacted in private, it was not safe
 ' to determine by what Means.'

[249]

It is more than barely probable that this last Con-
 jecture is right: A Parliament had been summoned on
 so trifling an Occasion as is mentioned in the Lord-
 Chancellor's Speech; and which, by the bye, was a
 mere Pretext, for not one Word more is mentioned in
 the Records or History, relating to the Royal Interview
 there spoken of: On which we may well suppose that
 it was a Trap laid to catch the Duke, and the Event too
 plainly shews that his Death, either public or private,
 was the principal Design of it.

The Death of this great Man was, very soon after,
 revenged upon his Enemies; the Cardinal Bishop of
Winchester died within a Month of him, and, as we are
 told, in great Agonies both of Body and Mind. And
 tho' the Queen and the Duke of *Suffolk* now managed
 both the King and Kingdom without Controul, yet the
 Reign of the latter was very short-lived, as the Course
 of these Inquiries will shew. The Method they took to
 govern, was very oppressive and intolerable to the Sub-
 jects; and tho' the Queen made Use of her Husband's
 Name, yet she could scarcely hide her Usurpation, be-
 cause, in *England*, the Queen Consort hath no Power,
 but Title only.

The Duke of
York's first At-
 tempts for the
 Crown.

The Death of the Duke of *Gloucester* had yet another
 ill Consequence, by opening a Door to the Duke of *York*
 to put in his Claim to the Crown, which he never durst
 have done, whilst a Man of such Wisdom and Popula-
 rity as the former stood in his Way. It does not appear
 that *York* had any Hand in the Duke's Murder; but it
 may be well supposed that he was glad to see it acted by
 others,

others, and that the Queen and her Minion went on in the Government in the arbitrary Manner they did. In a small Time after Duke *Humphrey's* Death, he began to represent to his Friends the Misery of the Nation, which, under the Name of a King, weak and unable to govern, was ruled by an ambitious Queen and her Favourites. He first put it into their Heads, that it was necessary to pitch upon some other Person to be King, since the present King had deposed himself, in Effect, by suffering the Queen and *Suffolk* to over-rule all; that King *Henry* was really a good Man, but fitter for a Cloister than a Palace, therefore the Kingdom was to be put into better Hands than those of Women and Favourites. Having thus artfully infused into their Minds a general Discontent, he next put forward his own Title to the Crown; which, allowing Hereditary Right to be valid, was indubitable. Yet added, That tho' he would not vainly vaunt himself fit for so great an Office, he might boldly claim the Crown as his Right; and hoped that the Diligence and Valour he had shewn in *France*, for the Preservation of the *English* Dominions in that Kingdom, were Demonstrations enough to prove, that he had the true Spirit of an *Englishman* in him, and was zealous in all Things for the Good of the Nation.

[250]

Thus much is thought proper to be said, tho' somewhat digressive from our Parliamentary Design, in order to keep up a Connection in History, and to shew at what Time those great Disputes between the two Houses began, which near overturned the whole Kingdom. It was two Years after the last that we meet with another Parliament, which was called by Writs dated at *Westminster*, Jan. 2, to meet at the same Place on the 12th of *February* following. The first Peer now named on the List is *Richard Duke of York*.

On the Day appointed, being all met in the Painted-Chamber of the Palace, *John Archbishop of Canterbury*, Chancellor of *England*, declared the Cause of the Summons, and made a notable Declaration; but what it was the Records take no further Notice. Three Days after the Commons presented *John Say, Esq;* for their Speaker, who was allowed; and soon after a Grant of half a Tenth and half a Fifteenth, to be levied on the Laity, passed

Anno Regni 27.
1449.
At Westminster.

JOHN SAY, Esq;
chosen Speaker.

King Henry VI. both Houses; reserving out of the Monies arising from this Tax the Sum of 3000*l.* for the Relief of poor Towns, &c. **A Subsidy.** A Grant also of Tonnage and Poundage, for five Years to come, on all Merchants whatsoever, with an Addition of 3*s.* more on Aliens as well of the *Hans*¹ Towns as otherwise. Authority was likewise given to the Council of State to borrow 100,000*l.* as well upon the King's Revenue as his Jewels, &c.

This Parliament sat from the Date above to the 4th Day of *April*, without doing any other Business; and then, on Account of the approaching Festival of *Easter*, as is said, it was prorogued to the 7th Day of *May* next coming, at *Westminster*. They sat at this second Session, we find, only to the 30th of this Month, and then were again prorogued and adjourned to the 16th Day of *June*, to meet at *Winchester*^k. The Reasons given for this last Adjournment, or Prorogation, are, first, because the Festival of *Pentecost* was approaching, and for the Salubrity of the Air; that of *London*, as well as *Westminster*, being thought unwholesome and infectious.

At this Meeting of the Parliament at *Winchester*, we find that another Grant of half a Fifteenth and half a Tenth was passed, with a Reserve of 3000*l.* out of it, for the Relief of poor Towns, &c. The same Poll-Tax of 16*d.* a Head was laid on all foreign Merchants, being Housekeepers, and 6*d.* on all the rest, who then resided in *England*. An additional and very particular Tax, of 6*s.* 8*d.* a Head, was laid on every Merchant *Venetian, Italian, Januey, [Genoese] Florentyn, Myleners, [Milanese] Lucans, Cataloners, Albertyns, Lumbards, Hansiers, Prusiers*¹, &c. and 20*d.* a Head on each of their Clerks. Lastly, the old Subsidy on Wooll, &c. was granted for four Years to come.

All these extraordinary Grants, so near one another as to be given in one Parliament, shew that the Government had great Occasion for Supplies at that Time: And indeed so it appears by the very next Article on Record, in which we are told that a Message from the Duke of *Somerſet*, the King's Lieutenant in *France*, was deli-

¹ From the Merchants of the *Hant* and *Almaigne*, &c. Rot. Parl. 27 *Henry VI.* No. 9.

^k *Prorogavit & adjornavit.* Rot. Parl. 27 *Henry VI.* No. 12.

^l We have extracted these Names out of the Record, to shew the Extent of Trade in those Days.

Another, with
a Poll-Tax.

[251]

delivered to this Parliament *verbatim*, by the Lord *Hast- King Henry VI.*
ings, Chancellor of *France*, and the Abbot of *Gloucester*;
 importing, That the great Preparations the *French* were
 making, were such, that, if a War should happen, then
 the Country of *Normandy* was not able to defend itself.
 And as the Truce was to endure but for fourteen Months,
 it was necessary to acquaint the King and Council, in
 Discharge of the said Duke, that they might provide ac-
 cordingly. The whole of this Message, which was deli-
 ver'd singly to the Parliament by the Abbot of *Gloucester*,
 is in the Records; and since it gives an exact Account
 how the *English* Affairs stood in *France* at this Time, the
 Reader may not be displeased with it in the Abbot's own
 Words. It is introduced in this Manner:

‘ **C**Redence¹, by my Lord of *Somerſet*, Lieutent of
 ‘ *France* and *Normandy*, committed to the Lord
 ‘ *Hasting*, Chancellor of *Fraunce* and the Abbot of *Glou-*
 ‘ *ceſter*, opened by the Mouth of the ſeid Abbot in the
 ‘ Parlement by the King's Commandement, bothe to
 ‘ the Lordes and Commyns.

‘ Hit is not unknowne to your grete Diſcretion, how
 ‘ it liked our Sovereigne Lord not lang ago to commit
 ‘ the Governace of the Contrees, now beyng under his
 ‘ Obeifance in his Reme of *Fraunce* and Duchie of *Nor-*
 ‘ *mandie*, to the high and mighty Prince my Lord of *So-*
 ‘ *merſet*; the which Prince in his notable Wyſdome, ſec-
 ‘ yng, by Experience, the grete, continuell, and daily Da-
 ‘ mages that ther been don by the Adverſaries; ſceyng
 ‘ alſoe the verray Liklyneſſe within ſhort Time of intolle-
 ‘ rable Hurt thereof, laſſe then covenable and ſpeedfull
 ‘ Remedie be prudently purveied here, ſent hider my
 ‘ Lord *Hasting*, Chancellor of *Fraunce*, and me in his
 ‘ Company, with Letters of Credence to our Sovereigne
 ‘ Lord to let his Highneſſe have Knowlethe of the doubt-
 ‘ full and dangerous Diſpoſition of that Contree, the
 ‘ which Credence as his Highneſſe hath commanded, as
 ‘ compendiouſly as that I can, I ſhall open to your Wyſ-
 ‘ domes.

‘ Our Credence containeth principally three Things;
 ‘ the firſt is to ſhew the grete Puiſſance and long-adviſed
 ‘ Ordennance, furniſhed with all Maner Abilements of
 ‘ Wette

¹ Rot. Parl. 27 Henry VI. No. 17.

King Henry VI., Werre of th'adverse Party, the which daily fortifie and
 ' repaire and stufte all their Garisons in the Fronters of
 ' the King's Obeissance, armed in grete Nombre agenst
 ' the Tenour of the Trewes, doying Murdres innume-
 ' rables, takeings the King's Subgetts Prisoners, as it
 ' were pleyne Werre, with other grete and lamentable
 ' Injuries, as open Robberies, Oppressions, and Pilleries,
 ' without Nombre, of the which Offenses they had be
 ' diverse Tymes somond and required by my said Lord
 ' of *Somerjet* to make Cesse, and repair them after the
 ' Tenour of the Trewes; but nether Remedie ne re-
 ' sonable Answer may in anywise as yit hadde; where-
 ' fore it may be presupposed by their froward Dedes
 ' and contrarious Disposicon, that their Intencion is not
 ' to procede effectuelly to eny good Conclusion of Peas.

' Alsoe the King's Oncle hath commanded, and made
 ' trye, thorough all his Obeissance, that all Nobles pre-
 ' pare them to be redy horsed, armed, and in all wise
 ' abilled, as longeth to Men of Armes, within fifteen
 ' Dayes Warning, upon Peyn of Forfeiture of all their
 ' Liflod, the Nombre of which Men is grete and inesti-
 ' mable.

' Alsoe semblably the King's Oncle hath commanded
 ' to be cried in every Parish of his Obeissance, under
 ' the same Paine of Forfeiture, that every thirty Men
 ' furnish a Man horsed and armed in Briganders and
 ' Leg-Harnes, with a Long Bowe or a Crosse Bowe, and
 ' charged expressely that they do non other Labour but
 ' excercise them to their said Bowes and Harneys, the
 ' Nombre of which Men so abiled and arayed as it is seid
 ' by credible Persons, that of Reson shuld thereof have
 ' verray Knowlethe, exceedith 60,000 Men; this is the
 ' first Part our Credence.

' The second Part is to shew, that if the Werre shuld
 ' fall, as God defend, the Contrey of *Normandie* is in
 ' no wise of itselfe sufficeant to make Resistance against
 ' the grete Puissance of the seid Adversaries for many grete
 ' Consideracions; first, for there is no Place in the King's
 ' Obeissance there purveied, neither in Reparations, Or-
 ' denance, neither in eny Maner Artillerie; but well
 ' nigh all Places ben in such Ruynes, that though the
 ' werre stuffed with Men and Ordenance, they be so
 ' ruinous that they be unable to be defended and kept,

' the

‘ the which Reparations and Ordenance to be purveied King *Henry VI.*
 ‘ sufficeantly, wold drawe to inestimable Costs.

‘ Alsoe all the last Grant of the Ayd in *Normandie*,
 ‘ it was openly purposed by Three Estates there that the
 ‘ general Poverti of the Contree was so grete, that it
 ‘ was impossible for them to bere eny more hereafter
 ‘ such Charges as they bore herebyfore, wherfore they
 ‘ desired to have Nombre of Men of Werre made lesse,
 ‘ or elles to shew to the King’s Highness that ther might
 ‘ be had Good of *England* to bere the seid Charges, for
 ‘ of Necessite they seid they mooste be spared for certeyn
 ‘ Yeres of such Payments, or elles they mooste be nedly
 ‘ constrayned to goo ther way and forsake the Contree,
 ‘ and suffer the Land to be abandoined to the Adver-
 ‘ saries, the which God ever defend. This is second
 ‘ Part of our Credence.

‘ The third Part is to remember that the finall Terme
 ‘ of the last Trewes approacheth fast; for as your Wyf-
 ‘ domes have well in Mind, hit shall last now not four-
 ‘ teen Months; and therefore it is thought right high
 ‘ Time to begynne your Purveiance for the Safegard of
 ‘ that noble Land; wherfore my Lord of *Somerset*
 ‘ moost humbly beseketh the King’s Highness, tenderly
 ‘ prayeth all my Lordes his Conseillers, and herty will-
 ‘ eth all your Wysdomes to have that noble Land in your
 ‘ good and speciall Remembrance, calling to your Mind
 ‘ the grete, inestimable, and well-nigh infinite Cost and
 ‘ Effusion both of Golde and Blode that this Land hath
 ‘ borne and suffred for that Land Sake; whereof the
 ‘ shamefull Losse, the which God ever defend, shuld
 ‘ not oonly be to the irreparable Hurt of the comin
 ‘ Profite, but alsoe a everlasting Spite and perpetuall
 ‘ Denigration in the Fame and Renoune of this noble
 ‘ Reame: In eschewing whereof, and alsoe lest his
 ‘ Silence, in this Behalfe, might, in anywise, be leyd
 ‘ hereafter, my seid Lord of *Somerset*, for his true Ac-
 ‘ quitall, gave us in Commandement to open his Cre-
 ‘ dence, on this Behalfe, to the King’s Highness, or to
 ‘ such as it pleased his Grace to command to here us;
 ‘ wherfore sith by his Commandement ye have benyngly
 ‘ herd us, as we have in the Name of my seid Lord of
 ‘ *Somerset*, in the most humble wise besowght the King’s
 ‘ Highness, and lowly prayed all the my Lordes in this
 ‘ present

King Henry VI. ' present Parliament assembled ; in likewise tenderly we
 ' desire all your Wysdomes that now represent all the
 ' Comyns of this Land, that it-like you to wey well all
 ' the Considerations of this Credence in your grete Dis-
 ' cretions, and to help to purveye such Aide, Remedie,
 ' and Brief Expedition as the Merites of the Mater re-
 ' quired.'

Normandy lost.

The *English* Government took some Alarm at this Message, and being well provided with Money by the late Subsidies, a considerable Reinforcement was sent over to the Duke Regent ; but these had ill Luck, and were most of them cut off ; after which the Duke of *Somerset* gave up *Caen* to the *French*, and, in short, all *Normandy*, thirty Years after it had been conquered by *Henry V.*

A Motion was made in this Parliament, that the Soldiers Wages at *Calais*, and the Charge of the Reparations there, be paid out of the Subsidy on Woolls ; which was grantedⁿ. This Motion produced an Act, which bore this Title, ' Because in the Reign of King *Edward III.*
 ' the Subsidies and Customs of the Staple of *Calais* was
 ' 68,000*l.* yearly, and now is not above 12,000*l.* there-
 ' fore no Licence granted, or to be granted, by the King,
 ' shall be available for the Carriage of Woolls, Fells,
 ' or Tin, to any Place out of the Realm but to *Calais* :
 ' And whosoever doth obtain, accept, and put in Exe-
 ' cution any such Licence, shall be out of the King's
 ' Protection.'

Also it was enacted, That if Woollen Cloths, made in this Realm, should be prohibited or not accepted in *Holland*, *Brabant*, and *Zeland*, under the Dominion of the Duke of *Burgundy*, then no Merchandize, growing or wrought within any of his Countries, shall come into *England*, on Pain of Forfeiture thereof^o.

Upon Contention between *William* Earl of *Arundele* and *Thomas* Earl of *Devon*^p, for Superiority of Place in Council and Parliament ; it was enacted by the King
 and

ⁿ Twenty Shillings out of the Tax on every Pack of Wooll, and as much out of that of 240 Wooll-fells, was allowed for that Purpose. *Rot. Parl.* 27 Henry VI. No. 17.

^o Statutes at large, cap. 1. 2.

^p *William Fitz-Alan*, Earl of *Arundele*, *Thomas Courteney*, Earl of *Devon*, *Dugdale's Baronage*, Vol. 1. p. 323.

and Lords, with the Advice of the Judges, That the said ^{King Henry VI.} Earl of *Arundele* and his Heirs, by reason of the Castle and Honour of *Arundele*, shall for ever enjoy the Prebeminence in the Presence of the King and elsewhere, above the said Earl of *Devon*, as worshipfully (so saith the Act) as any of his Ancestors, Earls of *Arundele* before that Time, ever had. And yet it is observable, that, in all the succeeding Lists of Peers summoned to Parliament, the Earl of *Devon* is always placed before the Earl of *Arundele*.

But the most remarkable Thing done this Parliament, ^{An Attempt of the Clergy to repeal the Statute of *Premunire* proves ineffectual.} was by the Bishops; who now made a strong Push to have the Act of *Premunire* repealed. They had made considerable Interest in both Houses to effect their Design, but it was in vain. The greater Part of the Lords and Commons were so zealous for the Continuance of it, that they were constrained to endure that Eye-sore; and, says an Author, it remains in Force to this Day^s. This Parliament sat to the 16th Day of *July*, 1449, and then was dissolved.

We have hinted before that the *English* Affairs in *France* were in a very bad Situation at that Time. The Loss of *Normandy* is ascribed, by an Historian^s, to three Causes; *First*, The Treachery of the Natives there; who, tho' natural-born Subjects to the King of *England*, yet being *French*, in Language and Customs, they affected Subjection mostly to the *French* King. *Secondly*, The Duke of *Somerſet*'s Avarice, who kept not the Garrisons full as he ought to have done, that he might pocket the Money allowed for Soldiers. And, *laſtly*, The Divisions at home, in which the Great Ones engaged with so much Zeal, that they had no Regard to Affairs abroad. ^{The Nation discontented.}

[253]

The Losses in *France* being known in *England*, it ^{A Parliament called to meet at *Leiceſter*.} bred a general Discontent amongst the People; and the Fault was totally laid on the Queen and her Ministry. The loudest Exclamations were raised against the Duke of *Suffolk*, as the chief Instrument of all the Misconduct; and it was resolved, that he should undergo a National Inquiry about it. The Queen, apprehensive of the

King Henry VI. the Danger her Favourite was in from such a Procedure, did all she could to prevent it; *First*, by endeavouring to hinder a Parliament from being called; and *next*, when she could not avoid that, by having it summoned to meet at *Leicester*; where, in a Country-Town, she imagined, her numerous Attendance might over-awe the Members. But the Lords and Commons, who knew they were safe under the Protection of the City of *London*, positively refused to meet at all, unless they were appointed to come to *Westminster*. So the Writs of Summons were issued out, dated *September 23*, for a Parliament to meet, at the latter, on the 6th Day of *November* following.

They refuse to meet any where but at *Westminster*.

A Parliament called there accordingly,
Anno Regni 28.
1450;

But prorogued to *London*.

By the Records, we find that this Parliament underwent several Prorogations; for, on the first Day of the Session, *John* Archbishop of *Canterbury* declared to the Lords and Commons, that, for avoiding the infectious Air of *Westminster* ^a, the King had really prorogued the said Parliament to *London* ^b; and desired the Commons to chuse their Speaker, and present him the next Day to the King. The Abridger here observes, that it seems the Fear of the Plague had caused the Archbishop to forget his Oration; and the Clerk of Parliament to inroll him as Chancellor. Which shews, that something or other put them in great Confusion at this Time.

On the third Day of the Session the Commons presented Sir *John Popham*, Knt. as their Speaker; whose Excuse for not serving the Office, we find, was accepted ^c, and he was discharged. So, on the same Day, the Commons presented *William Tresham*, Esq; for the same Purpose; who, without making any Excuse, and with the common Protestation, was allowed.

[254]
WILLIAM
TRESHAM, Esq;
elected Speaker
in the room of
Sir *John Popham*
excused.

The Parliament
adjourned back
again to *West-*
minster;

December 4. The Parliament was again adjourned from *London* to *Westminster*, to be there held by the Chancellor, in the Presence of the King, Lords, and Commons, the next Day. And, on the 17th Day of the

^a Ob Aeris Infectionem in Villa West & aliis Locis Palatio suo ibidem adjacentibus. Rot. Parl. 28 Henry VI. No. 1.

^b In Domum Fratrum Predicatorum juxta Ludgate. Ibidem.

^c Propter Debilitatem Corporis sui, Guerrarum Fremitibus et diversarum Infirmittatum Vexationem, nec non senii Gravittatem multipliciter depresso. Rot. Parl. 28 Henry VI. No. 6.

the same Month, the Archbishop of *Canterbury*, Chan- King Henry VI.
cellor of *England*, in the King's Presence, and on his
Behalf, gave Thanks to the Three Estates for their
daily Attendance, and prorogued the Parliament from
that Day unto the 22d of *January* next, at *Westminster*.

This last Prorogation is accounted for, by reason of
the *Christmas* Holidays; we are further told, that on the
said 22d Day of *January*, when the Parliament met, the
Archbishop of *Canterbury* was discharged from the Of-
fice of Chancellor, and *John Kempe*, Cardinal and Arch-
bishop of *York*, was put in his Place; that they sat at
Westminster to the thirtieth Day of *March*; and then
the Chancellor, by the King's Command, prorogued
and adjourned, which was then the same Thing, the
Parliament from the said Day to the 29th of *April* next From thence to
ensuing, at *Leicester*. *Leicester*.

In all this Time there is not one Word more of Bu-
siness done than is before mentioned. But, at this
last Session, an extraordinary Subsidy was granted;
which was, 'That every Person having, by free Deed,
Copy, Grant of Annuity, or Office, the clear yearly
Value of 20 s. in Frank Tenement, should pay Sixpence, A large Subsidy
on Land.
and so from 20 s. to 20 l. From 20 l. to 200 l. yearly,
12 d. in the Pound: From 200 l. and upwards 2 s. for
every Pound, as well of the Clergy as the Laity. All
Exemptions, Privileges, Immunities, Liberties, Fran-
chises, Grants, &c. notwithstanding. Guardians of
Wards, Men having Fees, and all Corporations, to pay
accordingly. Several Sums also, out of the King's Re-
venues and Fee-Farms, to a great Value, were allowed
to bear and pay the Charges of the King's Household.

But, before the last Prorogation to *Leicester*, came
on the Trial of the Duke of *Suffolk*, on several Articles
of High Treason; which, because he saw that he could
not avoid, he moved for himselfⁿ. For, according to
the

[255]

ⁿ *Hall* writes, that the Duke of *Suffolk* was called in every Man's
Mouth a Traitor and a Murderer, a Robber of the King's Treasure, and
worthy to be put to the most cruel Death; for which Reason the Queen,
somewhat fearing his Destruction, but more her own Confusion, caused
the Parliament before begun at the *Black Fryers* in *London*, to be adjourned
to *Leicester*; thinking there, by forcing the Laws, to subdue and repress
all the Malice and Ill-will conceived against the Duke and her. But few
of the Nobility would appear there, so that the Parliament was again ad-
journed to *London*. *Hall's Chron.* Fol. clviii. *Hollinghead*, p. 631. 7.
Stowe. p. 387.

King Henry VI. the Record, on the 22d Day of *January* the Duke stood up in the House of Lords, and required the King
 ‘ That he might be specially accused, and be allowed
 ‘ to answer to what many Men reported of him, that he
 ‘ was an unfaithful Subject.’ He further told the King,
 ‘ That his Father and three of his Brethren died in
 ‘ his Service, and that of his Father’s and Grandfather’s.
 ‘ That he himself had served in the Wars thirty-four
 ‘ Years; and, being but a Knight, and taken Prisoner,
 ‘ had paid for his Ransom 20,000*l.* That he had been
 ‘ of the Order of the Garter thirty Years, and a Coun-
 ‘ sellor to the King fifteen Years, and had been seven-
 ‘ teen Years in the Wars, without returning home.
 ‘ And asking God’s Mercy as he had been true to the
 ‘ King and Realm, he required his Purgation.’

January 26. The Commons came before the Lords, and required that the Duke, on his Confession that there was a heavy Rumour of Slander and Infamy upon him, might be committed to safe Custody; but the Lords and Judges, upon Consultation, ‘ thought there was no
 ‘ good Cause for it, unless some especial Matter was
 ‘ objected against him.’

The Duke of
Suffolk commit-
 ted to the Tower.

January 28. The Speaker came again, and declared,
 ‘ That the Duke of *Suffolk*, as it was said, had sold this
 Realm to the *French*, who had prepared to come hither; and that the said Duke, for his own Defence, had furnished the Castle of *Walsingham* with all warlike Munition*; whereupon at the Speaker’s Request, the said Duke was committed to the Tower of *London*.

February 7. The Speaker of the House of Commons, the Chancellor, and the Lords, sent to the King a Bill of Articles, by which they accused *William de la Pole*, Duke of *Suffolk*, late of *Exelm*, in the County of *Oxford*, of sundry Treasons^p, viz.

[256]

Articles against
 him,

1. That the said Duke, having the Wardship of *Margaret* the Daughter and Heir of *John* late Duke of *Somerset*,

* Gunnes, Gunpowder and other Habiliements of Werr. Rot. Parl. 28 Henry VI. No. 17; which shews that this Combustible was known in those Days.

^p *Fabian* writes, that *James Fiennes* Lord Say, the Bishop of *Salisbury*, and *Daniel Trevelian*, Gentlemen, with others, were at the same Time accused by the Commons. *Fabian’s Chron.* An. 1450. *J. Stowe*, p. 387.

merfet, he meant to marry his Son *John* to her; and ^{King Henry VI.} thereby, for want of Issue of the King, to claim the Crown, and to procure the *French* King, by Means of certain *French* Lords there named, to depose the King.

2. That he procured the Delivery of the Duke of *Orleans*, and practised with him to cause the *French* to recover the *English* Conquests in that Kingdom.

3. Related to the Duke's Promise of Delivery of *Anjou* and *Main*, to requite the King of *Sicily*, the King's Enemy, without the Assent of the other Ambassadors.

4. For disclosing the King's Counsel to the Earl of *Donas* Bastard of *Orleans*, and to others of the *French* Nation.

5. For betraying to the *French* the Strength of the King's Piles, Ordnance, and Munition, beyond Sea.

6. That the said Duke, by disclosing the King's Secrets, caused the Peace to be broken.

7. That the said Duke supported the King's Enemies, by staying sundry Arms which should have passed against them.

8. That the said Duke had strengthened the King's Enemies against him, by not compromising in the last Peace the King of *Arragon*, your antient Ally, who is almost lost; and the Duke of *Brittany*, who is wholly so.

All which Articles the Commons require to be inrolled, and that Prosecution may be awarded thereon.

March 9. This Day the Commons made a new Complaint against the Duke, in Effect following:

First, For procuring the King, in his 18th Year, to give away the Inheritance and Lands of the Crown.

For procuring many Liberties in Derogation of the Common Law, and Hinderance of Justice. [257]

For causing the King to give away the Castle of *Mawlin de Soel*, and other Territories in *Guienne*.

For that the Earl of *Armanac*, and other Nobles of *Guienne*, were drawn from their Obedience to the King, by the said Duke's discovering of Secrets, to the utter Impoverishment of this Realm.

For

⁹ *Rapin* remarks, that Historians say the Duke cleared himself from all but this last Article, and has taken some Pains to explain it. See *Rapin's History of England*, Fol. Edit. p. 574.

King Henry VI. For procuring the King to bestow the Keeping of divers Towns and Offices in *Normandy* and *Guienne* on unworthy Persons.

For procuring the King to grant the Earldoms of *Evereux* and *Longueville*, and other Lordships in *Normandy*, to the Bastard of *Orleans* and other *Frenchmen*, the King's chiefest Enemies, without the Assent of the Council.

For that the Duke procured the King, in his own Presence, to promise the *French* Ambassador to attend in Person at the Convention in *France*, to the King's Subversion, if it had taken Effect.

For causing the Subsidies granted to be contrarily employed.

For causing the King's Treasure to be spent on the *French* Queen and other *French* People.

For consuming the Sum of 60,000*l.* left by the Lord *Sudeley*, the late Treasurer.

For conveying out of the King's Treasury the Obligations of the Finance for the Duke of *Orleans*.

For procuring himself to be made Earl of *Pembroke*, and obtaining the Lordships of *Haverford-West*, after the Death of Sir *Rowland Lenthal*.

For staying the Process of Outlawry against *William Talbois*, of *Lincoln*, Esq; upon several Appeals of Murder.

For procuring a Pardon to the said *William*, for not appearing upon Suretyship of Peace.

For procuring Persons of his Confederacy to be made Sheriffs.

For procuring a Garrison of *Englishmen* to fight against the *Germans*, the King's Allies, on the Part of the *French*, the King's Enemies.

[258] All which Articles the Commons required to be inrolled, and that the said Duke might answer to them.

On the 9th of *March* the Duke of *Suffolk* was brought from the Tower, by the King's Writ, into the Parliament-Chamber at *Westminster*, before the King and Lords; to whom the Articles aforesaid were rehearsed, who desired a Copy of them; which was granted: And, for the more ready Answer to them, he was committed to the Custody of certain Esquires, in the Tower within the King's Palace.

March

March 13. The said Duke appeared again before the King Henry VI, Lords, and on his Knees denied the Truth of the first eight Articles of Treason against him, and offered to prove them false in any Manner the King should appoint. The first of them he denied as impossible; inferring, that some of the Lords knew he meant to have married his Son to the Earl of *Warwick's* Daughter, if she had lived. To many of the rest, he referred himself to the King's Letters Patent, and to some Acts of the Council. To the yielding up of *Anjou* and *Main*, he referred also to the Acts of the Council; which shew, that other Lords were privy thereto as well as himself; and said, That the same was delivered up by the Bishop of *Chichester*, then Keeper of the Privy Seal.

March 17. The King sent for all the Lords, Spiritual and Temporal, then in Town, into his inmost Chamber in his Palace at *Westminster*, when the said Duke was brought again before them, to whom the Chancellor repeated the Answer he had made, and told him, that therein he had not put himself upon his Peerage, and asked the Duke which Way he would be tried? Who, kneeling, said, 'That he hoped he had answered all Things to the full; and so, protesting his Innocency, referred himself entirely to the King's Mercy and Award.'

Thereupon the Chancellor, by the King's Command, pronounced this Sentence, the Duke still kneeling: 'That since the Duke did not put himself upon his Peerage, the King, in relation to the Articles of Treason contained in the first Bill, would be doubtful; that is, he holdeth him neither declared nor charged. And as to the Articles of Misprision, the King, not as Judge by the Advice of the Lords, but as one to whose Order the Duke had committed himself, doth banish him the Realm, and other his Dominions, for five Years, from the first Day of *May* next ensuing^a.

He is sentenced to be banished the Kingdom for five Years.

[259]

After which, Sentence being given, the Lord Viscount *Beaumont*, Lord High-Constable, stood up, on the Behalf of the Bishops and Lords, and required, 'That

VOL. II.

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' it

^a The History of *Croyland*, after giving the Duke of *Suffolk* a most terrible Character, says, That he was condemned by Parliament to perpetual Banishment. *Statuto deinde Parlamento, caveretur Regis Offensionem, ipsum in Exilium condemnabant perpetuum: Insidias tamen et ponentes ad Tempus, & Diem Transfretationis in Partes peregrinas peremptorium assignantes.* Hist. *Croyland*. Continuatio, p. 525, Ed. Gale.

King Henry VI. ' it might be inrolled, that the said Judgment was by
 ' the King's own Rule, and not by their Assent; and
 ' also required that neither they nor their Heirs should,
 ' by this Example, be barred of their Peerage and Pri-
 ' vileges.'

Mr. Collier here remarks, That, by the Inrollment of this Protestation, it appears the Bishops had an equal Right of being tried by their Peers with the Lords Temporal: Why else, adds he, should it be moved, in Behalf of the Bishops, that this Case of the Duke of *Suffolk* might not be drawn into a Precedent, to the Disadvantage of their Peerage ^b?

But the Speech which the Duke of *Suffolk* made, before the Chancellor pronounced Sentence against him, is too remarkable to be omitted. After the Chancellor had asked him, That since he refused the Judgment of his Peers, what he had further to say? The Duke answered, ' That the Crimes alledged against him were
 ' too horrible to speak to any more of them: That all
 ' the Articles comprehended in the said Bill, touching
 ' the King's Person and the Estate of his Realm, he
 ' trusted to God he had answered them sufficiently; for
 ' he had denied the Days, the Years, the Places, and
 ' the Conversations had, which were never thought nor
 ' wrought; saying, they were utterly false and untrue,
 ' and in a Manner impossible; for, he added, such great
 ' Things could not be done, nor brought about, by
 ' himself alone, unless that other Persons had done their
 ' Parts, and been privy thereto as well as he: That he
 ' gave his Soul up to perpetual Damnation, if ever he
 ' knew any more of these Matters than the Child in the
 ' Mother's Womb; and so, not departing from his said
 ' Answers and Declarations, he submitted himself wholly
 ' to the King's Rule and Governance, to do with him
 ' as he listed.'

We have chose to give the foregoing Account of this Parliamentary Inquiry into the Misconduct of a Prime Minister, from the Records themselves; our larger *English* Historians are much more prolix in the Circumstances of this Trial, but not altogether so consistent with Truth. What we have to add about the Fate of this unfortunate Statesman, is, that undoubtedly the
 Mildness

^b Collier's *Ecclesiastical History*, Vol. I. p. 672.

Mildness of his Sentence proceeded from the Queen's King Henry VI. great Indulgence to him, who was in Hopes that his short Banishment might last longer than the Malice of his Enemies against him; but, unhappily for both, the Duke was taken Prisoner at Sea by a private *English* Captain, who had way-laid him, had his Head struck off on the Side of a Cock-boat, and fell openly a terrible Example of But in his Passage is murdered by a Captain. Divine Vengeance, for the private Murder of the good Duke of Gloucester. Yet this Minister, bad as he was, hath found some Advocates in History; and one old Writer particularly remarks, 'That the most vile Thing in this Parliamentary Accusation against him was, that they should charge that as a Crime upon *Suffolk* now, which they themselves had, in a former Parliament, consented unto and ratified.'

[260]

There was little other Business done at this Session; and no Acts of any Consequence were passed, except one only, called *An Act of Resumption*; whereby Power was given to the King 'to take into his Hands all Hereditaments, Offices, Liberties, and Grants whatsoever, from the first Day of his Reign to the Making of this Act, except certain peculiar Grants there mentioned.' This Act is very long, and makes up, with *Suffolk's* Trial, all the rest of the Proceedings of this Parliament; but the Preamble to it is so extraordinary as we think merits a Place in these Inquiries, which we shall give in its own Words:

'Prayen the Comunes, in this your present Parlement assembled, to conside, that where your Chancellor of your Reame of *England*, your Tresorer of *England*, and many other Lordes of your Counseill, by your high Comaundement to your seid Comunes, at your Parlement holden last att *Westminster*, shewed and declared the State of this your Reame; which was, that ye were endetted in 372,000 *l.* which is grete and grevous; and that your Livelode, in yerely Value, was but 5000 *l.* And forasmuch as this 5000 *l.* to your high and notable Estate to be kept, and to pay your seid Detts, woll not suffice, therefore that your high Estate might be releved. And furthermore it was declared, That your Expenses necessarie to your Household, withouten all other ordinarie Charges,

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' come

King Henry VI. ‘ come to 20,000*l.* yerely; the which exceedeth every
 ‘ Yere, in Expenses necessarie over your Livelode,
 ‘ 19,000*l.* Also please it your Highnesse to confidre,
 ‘ that the Comunes of your seid Reame bene as well
 ‘ willed, to their povre Power, to the relevyng of your
 ‘ Highnesse, as ever were povre People to eny King of
 ‘ your Progenitours, that ever reigned in your seid Reame
 ‘ of *England*; but your seid Comunes bene so impove-
 ‘ rished, what by taking of Vituill to your Household,
 ‘ and other Things in your seid Reame, and nought paid
 ‘ fore, and the Fifteenth by your seid Comunes afore
 ‘ this Time so often graunted, and by the Graunte of
 ‘ Tonnage and Poundage, and by the Graunte of the
 ‘ Subsidie uppon the Wolles, and other Grauntes to your
 ‘ Highnesse, and for Lak of Execution of Justice, that your
 ‘ povre Comunes bene full nygh distroied; and if it shuld
 ‘ continue lenger in such grete Charge, it cowde not in
 ‘ any wise be hadde or borne: Wherefore, &c.’^d

A learned Judge, in a Treatise of his concerning Impositions on the Subject^e, takes Notice, that, at this Time, the Crown was never more necessitous, and yet no Impositions were laid without Consent of Parliament: For it appears by an Act of this very Year, that the Chancellor and Treasurer demanded Relief of the People for the King, both for the Payment of his Debts, and for his annual Maintenance. They urged that the King was then indebted 372,000*l.* which now would amount to above 1,100,000*l.* and that his ordinary Expences were more than his Income by 19,000*l.* yearly; so that if ever there was a Cause to put a King to his Shifts, adds our Authority, it was then; and yet the Ministry did not venture to put in Practice this supposed Prerogative; instead of which the Senate intreated the King to make the Act of Resumption aforesaid of all Grants, excepting such as were given on a valuable Consideration.

By the Duke of *Suffolk*’s Death the Door was open’d still wider for the Duke of *York*’s Claim to the Crown; and he, with his Friends, made all the Use they could of this favourable Conjuncture. An Historian^f tells us, that his Friends gave it out in all Companies, ‘ That
 ‘ the

^d Rot. Parl. 28 Henry VI. No. 53. Stat. *ibid.* de Resumptionibus.

^e *The Rights of the People of England, concerning Impositions*, By Sir Henry Yelverton, Bart. 12mo, London, 1679.

^f Sam. Daniel by Kennet, p. 402.

the Nation, being governed by a slothful King and an ambitious Queen, who neither of them understood the true Measures of Government, did daily decay in its Reputation and Interest, of which the Loss of *France* was an invincible Demonstration: That the Public Good ought to be more nearly looked into, and Men of such Abilities raised to the Helm, as might both advance the Honour of the *English*, and be a Terror to their Enemies: That the Duke of *York* was a Person every Way qualified for the greatest Trust, having given a very great Proof of it in composing the Rebellion in *Ireland* with so great Satisfaction to the People, as well as Safety to the King: That, in Reality, that Duke had the best Title to the Crown, the Family of *Lancaster* being no better than Usurpers; and tho' indeed King *Henry* might be tolerable, if he was either like his Father or his Grand-father, whose Virtue and Courage made their bad Titles overlook'd, yet since his easy and gentle Nature rendered him incapable of governing well, it was better for the People to set up a Person, *who, if he had no Right, was the fittest Man in the Nation to wield a Sceptre; but much more, being the true Heir, than suffer others to usurp the Power of doing them and the King himself a Mischief.*

King *Henry VI.*
The Duke of
York's Schemes
for obtaining the
Crown.

[261]

These and such-like Discourses being well relished by the Generality of the Nation, it was not long before the Resolution of a Change was put to a greater Trial. The Story of the Rebellion under *Jack Cade*, who stiled himself Lord *Mortimer*, is too well known to need any Repetition here; our Historians suppose that this Fellow was spirited up, under Hand, by the Duke of *York*, to try the Bent of the Nation in regard to his Title; that Lord, or Sir *John Mortimer*, having been Brother to the Earl of *March*, who was beheaded in the last Reign, and who was then the undoubted Heir of the Line of *York*. Our Purpose is only to shew how much the Parliament of *England* were concerned in this Quarrel; and one being called the next Year, in the Midst of *Cade's* Rebellion, we shall proceed in our Inquiries of what was transacted at it.

It has been our Custom hitherto to give a List or two of the Peers, summoned to Parliament, in a long or a short Reign, in order to inform the Reader under what

King Henry VI. Names and Titles they were then called, as well as the particular Number of them. We think proper to give the following List of Peers, summoned to attend the next Parliament, since, in a small Time after, they were interrupted by the Civil Wars, and most of their Meetings then were to their own Destructions.

In the 29th Year of Henry VI.

Anno Regni 29. *The King, &c. To Richard Duke of York, &c. to meet*
1451. *at Westminster on the Feast of St. Leonard, &c.*

At Westminster. Witness the King at Westminster, September the fifth.

State of the
Peerage at
that Time,

<i>Henry Duke of Exeter,</i>	<i>James Lord Audley,</i>
<i>John Duke of Norfolk,</i>	<i>Ralph Lord Cromwell,</i>
<i>Humphrey Duke of Buck-</i>	<i>William Lord Zouch, of</i>
<i>ingham,</i>	<i>Harringworth,</i>
<i>Edmund Duke of Somerset,</i>	<i>John Lord Scroop, of Ma-</i>
<i>Richard Earl of Warwick,</i>	<i>sham,</i>
<i>Henry Earl of Northumber-</i>	<i>William Lord Fitzbugh,</i>
<i>land,</i>	<i>Henry Lord Scroop, of</i>
<i>Thomas Earl of Devonshire,</i>	<i>Bolton,</i>
<i>William Earl of Arundele,</i>	<i>Leonard Lord Welles,</i>
<i>Ralph Earl of Westmore-</i>	<i>John Lord Clinton,</i>
<i>land,</i>	<i>William Lord Lovel,</i>
<i>Richard Earl of Salisbury,</i>	<i>Edward Nevile, Lord Ber-</i>
<i>John Earl of Oxford,</i>	<i>gavenny,</i>
<i>John Earl of Worcester,</i>	<i>Robert Lord Willoughby,</i>
<i>James Earl of Wiltshire,</i>	<i>Thomas Lord Clifford,</i>
<i>John Viscount Beaumont,</i>	<i>Henry Viscount Bouchier,</i>
<i>James Lord Berkeley,</i>	<i>Edward Lord Brooke, of</i>
<i>Edward Lord Gray, of</i>	<i>Cobham,</i>
<i>Groby,</i>	<i>John Lord Talbot, of Lisle,</i>
<i>Edmund Lord Gray, of</i>	<i>Thomas Lord Scales,</i>
<i>Ruthin,</i>	<i>Reginald Lord Gray, de</i>
<i>Robert Lord Hungerford,</i>	<i>Wilton,</i>
<i>senior,</i>	<i>John Lord Stourton,</i>
<i>Ralph Lord Graystock,</i>	<i>Richard Woodville, Lord</i>
<i>Henry Percy, Lord Poin-</i>	<i>Rivers,</i>
<i>ings,</i>	<i>William Bouchier, Lord</i>
<i>William Lord Bottreaux,</i>	<i>Fitzwarren,</i>
<i>Thomas Lord Dacres, of</i>	<i>William Lord Boneville,</i>
<i>Gililand,</i>	<i>Henry Bromfleet, Lord</i>
<i>John Lord Beauchamp,</i>	<i>Vesey,</i>

Thomas

<i>Thomas Lord Roos,</i>	<i>William Beauchamp, Lord King Henry VI.</i>
<i>Robert Lord Hungerford,</i>	<i>St. Amand,</i>
<i>of Molins,</i>	<i>Thomas Percy, Lord Egremont,</i>
<i>Ralph Lord Boteler, of</i>	<i>John Sutton, Lord Dudley,</i>
<i>Sudley,</i>	<i>William Fynes, Lord Say</i>
<i>Thomas Lord Gray, of</i>	<i>and Selé^e.</i>
<i>Rugemont,</i>	

These Great Men, with the Prelates, Clergy, and Commons, being assembled Nov. 6, 1451^b, before the King, sitting in his Chair of State, in the Painted-Chamber at *Westminster*, *John Kempe*, Cardinal, Archbishop of *York* and Chancellor of *England*, by the King's Command, in a very short Speech, declared, 'That this Parliament was called to provide for the Defence of the Realm, the Safe-keeping of the Seas, and to make Provision for an Army against the *French*; but particularly for suppressing of Insurrections at home.' To which End he desired the Commons to chuse and present their Speaker as usual.

[263]

On the 9th of *November* the Commons presented Sir *William Oldhall*, Knight, to be their Speaker; who, making no Excuse, was allowed, with the usual Protection.

Sir WILLIAM
OLDHALL chosen
Speaker.

The first Thing we find that this Parliament went upon, was to devise several Orders and Regulations about altering the Manner of collecting and paying the Subsidy granted by the last Parliament; by which several new Orders were made, particularly, That no Members of Parliament were to be either Commissioners or Collectors; that they should examine upon Oath, and that they should be allowed 4*s. per Diem* for their Trouble; very considerable Wages in those Days.

We meet with nothing more on the Record done in the first Session of this Parliament, tho' they sat above a Month, except an Appeal to the King and Parliament from *Isabel*, Relict of *William Tresham*, Esq; who was barbarously murdered, on the King's Highway, by one *Simon Norwich*, Esq; and several others there named, whom the said *Simon* had instigated thereto.

This

^a Besides these Dukes, Earls, and Barons, Writs were directed to about fourteen Knights, &c. to attend the Service of the House of Peers this Parliament. *Dugdale's Summons to Parliament*, p. 445.

^b In *Festo S. Leonardi, in Origine*.

King Henry VI. This *William Tresham* was, most probably, the same Gentleman who was Speaker of the House of Commons the 25th of this Reign; and the Record tells us the Murder was committed as he was riding to meet the Duke of *York*, who had sent to speak with him. Whether this Affair was any Beginning of the ensuing Civil Wars, we shall not determine; but it looks somewhat like it.

On the 18th of *December* the Chancellor, in the Presence of the King and the Three Estates, prorogued this Parliament to the same Place, on the 20th of *January* following: And again, on the 29th of *April*, it was also prorogued to the 5th of *May* next ensuingⁱ.

The first Thing that we find now in this third Session, is a Grant to the King of 20,000*l.* out of the Customs of *London* and *Southampton*, by hundred Pound Payments, to relieve his immediate Wants and Poverty. Besides, in Consideration of 8000*l.* delivered to the King in Allom, by some *Genoese* Merchants there named, it was enacted, 'That they shall be allowed to ship any Staple Ware out of the South of *England*, untill they be answered the said Sum.' Also it was enacted, 'That certain Merchants of the South shall have all the Allom aforesaid, on advancing to the King in Hand 8000*l.* and that no Man be allowed to bring, buy, or sell any other Allom, for the Space of two Years, on Pain of forfeiting the same.' This was a strange Monopoly, and shewed the pressing Occasions of the King and State for Money at that Time.

A Monopoly granted, in order to raise Money.

The Commons desire the Removal of most of the King's Servants.

[264]

A very extraordinary Petition of the Commons was presented to the King, importing no less than the Removal of most or all of his Court from him: For it was desired that *Edmund Duke of Somerset*, *Alice Poole*, late Wife of *William Poole*, late Duke of *Suffolk*, *William Boothe*, Bishop of *Chester*^k, Sir *John Sutton*, Knight, Baron of *Dudley*, *William Daniel*, late of *London*, Esq; *John Trevilian* and *Edward Grimstone*, of *London*, Esqrs. *Thomas Kempe*, Clerk of your Council, *Reginald*, Abbot of *St. Peter's* in *Gloucester*, *Thomas Pulford*, of *London*, Esq;

ⁱ On Account of *Christmas* and *Easter*.

^k The Bishoprick of *Chester*, as it now stands, was only erected by *Henry VIII.* but the Bishops of *Litchfield* and *Coventry* were antiently stiled Bishops of *Chester*. This Man was one *William Boothe*, translated the next Year to the See of *York*. *Le Neve's Fassi Ecc. Ang.*

Esq; John Hampton, William Myners, John Blakeney, King Henry VI.
John Penerike, John Gergoran, Stephen Slegg, Thomas
Stacey, Thomas Hoo, Esqrs. the Lord Hastings, Sir Ed-
mund Hungerford, Sir Thomas Stanley, Knights; Jenkin
de Stanley, Esq; Usher of your Chamber; Bartholomew
Hawley, Ralph Bapthorp, Esqrs. Sir Edmund Hamden,
Sir Robert Wingsfield, Knights; Mr. Gervase Devalore,
one of your Secretaries; Mr. John Somerset, and Mr.
John Newport, of the Isle of Wight, be banished from
the King's Presence during their Lives, and not to
come within twelve Miles of the Court, under severe
Penalties.

The King's Answer to this Petition was, *That, as to* The King's mild Answer.
himself, he was well contented that they should go, unless
they were Lords, and a few others whom he could not
well spare from about his Person, and so to continue ab-
sent for one Year, to see if any Man could truly lay any
Thing to their Charge, since they had alledged no particu-
lar Crime against them.

Whether this last Petition was made in order to quiet The Rebellion in Kent under Jack Cade.
the Clamours of the People of Kent, &c. who were
then up in Arms under the Conduct of Jack Cade, we
know not: But a very severe Act was passed this Session
against that Rebel; whereby, tho' he was then dead,
he was attainted of Treason, all his Lands, Tenements,
&c. given to the King, and his Blood corrupted¹.

There is very little else on Record to have been done
in this Parliament, except at the End of it, where we
meet with a Bill of Attainder exhibited by the Commons
against the late Duke of Suffolk; wherein, amongst his
other Treasons, &c. they charge him, in these Words,
to be 'The Cause and Labourer of the Arrest, Impri-
sonein, and final Destruction of the most noble, valiant,
true Prynce, your right obeissant Uncle the Duke of
Gloucester, whom God pardon, &c.' but the King only
gave the common civil Denial to this Bill, *Le Roi s'ad-*
visera.

Though our Records are somewhat silent as to the
Complaints of the Commons under Cade, History is
not so, but hath given us the Contents of two Bills,
which, it is said, these Rebels exhibited to the Houses,
then

[265]

¹ Rot. Parl. 29 Hen. VI. No. 19. Statutes at large, 29 Hen. VI. cap. 1.
A long Act of Resumption was passed this Parliament, to the same Purport
as in the last.

King Henry VI. then sitting at *Westminster*, that they might have their Concurrence with them in the Reformation they were bringing about in the Government.

The high Demands of the Rebels,

The first they called *The Complaints of the Commons of Kent, and the Causes of their assembling at Blackheath*^b. In it they represented to the Parliament, ' That it was reported that *Kent* should be depopulated ' and made a Forest, to revenge the Duke of *Suffolk's* ' Death, tho' the People of that Country were no way ' guilty of it : That the King had given the Revenues ' of the Crown to his Favourites, and resolved to live ' on Taxes raised on his Subjects, which would impoverish his People : That Lords of the Royal Blood ' were excluded from his Government, and mean Persons preferr'd, who would not administer Justice without Bribes and Gifts : That the Provisions of the ' King's House were taken of the Subjects, and not paid ' for, to the undoing of many : That the King's menial ' Servants falsely accused many of High-Treason, in order ' to get their Estates : That the King's Servants, by unjust Claims of Feoffments, have deprived divers of the ' Commons of their Estates and Rights : That certain ' Traitors, who have lost the King's Territories in *France*, ' should be punished without Mercy : That the Sheriffs ' and Under-Sheriffs of Counties, farming their Offices ' and Bailiwicks, are forced to extort unjust Fines from ' the People to pay the Sums : That the Officers of ' the Court of *Dover*, in *Kent*, vex and arrest Men, in ' all Parts of the Country, upon untrue Actions, and ' require great Fees of them for their Deliverance : ' That the Freedom of Election for Knights of the Shires ' hath been taken from the People by the great Men, ' who send Letters to their Tenants and Dependents ' to chuse such Men as the People approve not of : ' That Collectors of the King's Taxes being made, for ' Bribes, by the Knights of the Shire, use many Extortions to raise them : And, lastly, that the Sessions ' being held in the farthest Part of the County, Eastward, the People were forced to go five Days Journey ' to them, to their great Trouble and Damage ; which ' they desire might be settled in two Places more conveniently.'

[266]

The

The other Paper they filed, *The Requests of the King Henry VI. great Assembly in Kent*; and, in this, they humbly petitioned, 'That the King would assume to himself the Demesnes of the Crown, that he might live conformable to his Royal Dignity: That the Duke of *Suffolk's* Kindred should be punished, according to the Laws of the Realm; and the Lords of the Blood-Royal, viz. the Dukes of *York, Exeter, Buckingham, and Norfolk*, be taken into Favour, and entrusted with the Government; and that then he would be the happiest and richest Prince in *Christendom*: That all Persons guilty of the Duke of *Gloucester's* Death be punished as false Traitors to the King and Realm; and the rather, because, by their Means, the Duke of *Exeter*, the Cardinal of *Winchester*, and the noble Prince the Duke of *Warwick*, with many other Lords and Gentlemen, and all the King's Countries in *France*, have been lost: Lastly, That all Extortions used daily among the common People, viz. Green-Wax, King's Bench, and King's Purveyors and Statutes of Labourers be so regulated by the King and his Council, that they may not be such an intolerable Burden to the Commons of *England*.'

These Complaints of Grievances, &c. having been seen and perused, as well by the Lords and Commons in Parliament assembled, as by the King's Council, were not only, says our Historian, condemned and disapproved, but the Authors of them voted *proud and presumptuous Rebels, not to be gratified with fair Promises, but suppressed by Force of Arms*. But another Historian says, more justly, as seems probable by the Abstract from the Records, That it does not appear the Complaints of these People were rejected by Parliament, only that the Council condemned them, as they would have done had they been more reasonable, considering the Method of preferring them¹.

However, it was not long after that *Jack Cade* and his Followers were put to Flight by the King's Army, and their Leader slain, having had a Price set on his Head by Proclamation. They are suppressed. [267]

This small Commotion, in Comparison to what followed, being settled, and the War with *France* entirely ended,

King Henry VI.

Farther Attempts of the Duke of York.

[268]

He raises an Army.

Accommodation between him and the King.

ended, (for all *Aquitain*, which had been in the Hands of the *English* near 300 Years, being yielded up) there was then nothing left to contend for. The Duke of *York*, who was then in *Ireland*, hearing of the bad Success of his first Attempt, came over to consult with his Friends in *England* what Game they were next to play. The chief Supporters of his Party were *John Mowbray*, Duke of *Norfolk*; *Richard Nevil*, Earl of *Salisbury*, with the Lord *Richard Nevil* his Son, who was afterwards the famous Earl of *Warwick*, by the Marriage of the Lady *Anne Beauchamp*; *Thomas Courtney*, Earl of *Devon*; and *Edward Brooke*, Lord *Cobham*; all of them Persons of great Authority, numerous Attendants, and daring Valour. These Noblemen, with many others of less Note, had divers Meetings about setting the great Machine in Motion; and the old Topic of redressing Grievances in the Government was thought to be the most plausible Way to begin the Quarrel. Accordingly a Letter of Remonstrance was wrote by the Duke of *York* to the King, shewing the Male-Administration of the Ministry, pointing out some Ways to redress them, by imprisoning and bringing to Trial the chief Offenders, particularly the Duke of *Somerset*. The King returned a mild Answer to this Letter; but that not satisfying the Duke, he hastened into *Wales*, raised an Army, and encamped with them on *Burnt-Heath*, near *Dartford*, within ten or twelve Miles of *London*. The Ministry had also taken some Care of themselves by raising Forces, which, under the King's Command, were encamped on *Black-Heath*, some few Miles distant from the other.

Henry had no Mind to come to a Battle, being always sparing of his Subjects' Blood, and therefore sent Messengers to the Duke to know his Reasons for coming thus armed against him. The Duke's Answer was to the same Purport as his Letter; the Bishops and Lords, who were sent by the King, had a Commission to grant any reasonable Terms of Accommodation; they therefore assured him, that the Duke of *Somerset* should immediately be clapp'd up in Prison; on which he instantly dismissed his Army. Nay, he is said to have taken an Oath, some Time after, in *St. Paul's Church*, before the King and all his Nobles, never to take Arms again, or disturb King *Henry* in the Possession of the Crown.

In

In this Interval, when the Sore was thinly skinn'd King Henry VI. over, which was likely to break out more violently afterwards, a Parliament was called to meet at *Reading*, by Writs dated at *Westminster* the 20th Day of *January*, Anno Regni 31: 1453. for an Appearance at the Place aforesaid on the 6th Day of *March* following; *Richard* Duke of *York*, and *Edmund* Duke of *Somerfet*, being the first Persons named on the List. At *Reading*.

At the Day appointed they all met in the great Chamber, or Refectory, within the Abbey of *Reading*; when *William* Bishop of *Lincoln*¹, in the Absence of *John* Archbishop of *Canterbury*, Chancellor of *England*, very notably, according to our Authority, declared the Cause of the Parliament; chiefly, for the good Government of the Realm, and safe Defence of the same; to which End he bid the Commons chuse their Speaker, and present him as usual: And the next Day, after the Receivers and Triers of Petitions, according to antient Custom, were appointed, the Commons presented to the King *Thomas Thorpe*, Esq; to be their Speaker; who, with the common Protestation, was allowed. [269]

The first Thing they went upon in this Session, was the Supply; when the Commons granted to the King one whole Fifteenth and one Tenth; tho' with a larger Deduction from it than from any Grant before, of 6000*l.* for the Relief of poor Towns, &c. Also 3*s.* a Ton on all Wines imported, and 12*d.* in the Pound's Worth of all other Merchandize; except Tin, on which was laid 2*s.* for every 20*s.* Value of that Commodity; to continue during the King's Life. A Subsidy on Wooll, &c. was also granted; for every Sack 43*s.* 4*d.* the same Sum on every 240 Wooll-fells, and for every last of Hides 5*l.* for Denizens: On Strangers, 5*l.* for the first, the same for Wooll-fells, and 5*l.* 6*s.* 8*d.* for 100 of Hides; to continue also during Life. Alien Merchants not born within the King's Dominions, and residing here, were taxed at 40*s.* a Head *per Ann.* and if they staid but six Weeks, 20*s.*—Provided, that no Knights of Shires, or

¹ *William Alnewick* died Bishop of *Lincoln*, Anno 1449; to whom succeeded *Marmaduke Lumley*, who died in 1451, and was succeeded by *John Cbedworth*, the same Year. *Le Neve's Fasti Ecc. Ang.* There must be some Mistake therefore, either in that Author or in the Record. In *Dugdale's Summons to Parliament* the Writ is directed *J. Episcopo Lincoln*, for this Meeting.

King Henry VI. or other Members of Parliament, shall be Commissioners or Collectors of these Subsidies, except they were then, or hereafter, Sheriffs.

After this the Speaker came again before the King, and declared that the Commons had voted 20,000 Archers, for the King's Service, for the Term of half a Year. And, *March* 28, when these Money-Bills were passed, and Thanks for them given to the Lords by the King himself, *John*, Cardinal, Archbishop, and Chancellor, by the King's Command, prorogued the Parliament from the Day and Town aforesaid, to the 25th of *April* then ensuing, at *Westminster*.

The Parliament
prorogued to
Westminster.

[270]

Being met again, the King discharged the Commons of 7000 Archers, Part of the 20,000 granted him last Sessions; and a due Proportion was settled for every particular County in the Realm, what they should bear towards the Support of 13,000 Men for his Majesty's Service. But, in Consideration of a considerable Sum of Money, to be levied by the Commons, the King was content to respite the raising the said 13,000 Archers; unless, upon great Necessity, or being obliged to go in Person to the Wars, he be forced to take them.

It was ordained that *Edmund* Duke of *Somerset*, late Captain of *Calais*, shall be paid 21,648*l.* 10*s.* out of the Custom of the Staple Wares going out of the Port of *Sandwich*, for Fees and Wages due to him and other chief Captains and Soldiers, whilst he was Governor there. Also a particular Rate was made out of the Grant of a Fifteenth, to certain Persons in every County in *England*, allotted to the repairing of *Calais*, and for making a Rise-bank there. Likewise an Allotment of 20*s.* out of the Subsidy for every Sack of Wooll, was allowed towards the Wages and Victualling of Soldiers in the Garrison at *Calais*.

Additional Sup-
ply.

The Commons farther grant unto the King the Moiety of one Tenth and one Fifteenth, for which the King thought proper to return them Thanks; and after these Words, *viz.* ° *We thank you for your Grants, for the which be you assured we will be a good and gracious Lord unto you*; the Lord-Chancellor, on the 2d Day of *July*, prorogued the Parliament again to *Reading*, to the

The Parliament
prorogued to
Reading.

° *Rex, Ore suo proprio, prefatis Communibus, dixit, nos vobis intime re- gratiamur, et ne indubitetis quin vobis erimus generosus et benevolus Domi- nus.* Rot. Parl. 31 Hen. VI. No. 20.

the 7th Day of *November* following; and at *Reading*, King Henry VI. on the same Day, we find that the Parliament was adjourned from thence to the 11th of *February* next, at *Westminster*. But, on that Day, John Earl of *Worcester*, and Treasurer of *England*, by the King's Letters Patent, made another short Prorogation of three Days, to the 14th of the said Month, at *Westminster*. And to *Westminster* again.

On which Day being again assembled to do Business, Richard Duke of *York*, by the King's Letters Patent, was appointed President in the said Parliament^p. The Duke of *York* President of the Parliament.

On the same Day a very remarkable Case came before this Parliament. The Commons represented to the King and Lords, that *Thomas Thorpe*, their Speaker, and *William Rail*, a Member of their House, were both imprisoned; they therefore requested that the said Members might be set at Liberty, according to the Privileges of their House.

[271]

The next Day the Duke of *York* stood up in the House of Lords, and acquainted their Lordships, ' That he had received Damages in an Action of Trespass against the said *Thorpe*, last Term, by a Verdict in the King's Exchequer, for carrying away the Goods of the said Duke of *York* out of *Durham-House*; for the which he remained in Execution, and prayed that he might continue there.'

His Complaint against *Thorpe*, the Speaker, for a Trespass.

The Advice of all the Judges being taken in this Matter, they made Answer, ' That it was not their Part to judge of the Parliament's Actions, who were Judges and Makers of the Laws themselves; only they said that there were divers *Supersedeas* of Privilege of Parliament brought into Courts, but a general *Supersedeas*, to suppress all Proceedings, there was not. For, if there should, it would seem as if the High Court of Parliament, that ministered all Justice and Equity, should hinder the Process of the Common Law, and so put the Party complainant without Remedy, inasmuch as Actions at Common Law are not determinable in Parliament: But if any Member of Parliament be arrested for such Cases as are not for Treason, Felony, or Surety of the Peace, or for a Judgment had before

^p The Instrument for it is in the *Public Acts*, and the Adjournment to *Westminster* mentioned. Dated at *Westminster*, Feb. 13. Anno Regni, 31. Rot. Parl. 32 Henry VI. No. 24.

The Duke of *York* is call'd, in the Patent, *Charissimus Consanguineus noster*.

King Henry VI. ' before Parliament, it was usual for such Person to be
' quitted of such Arrest, and set at Liberty to attend his
' Service in Parliament.'

After which Answer the Lords came to this Resolution, ' That the said *Thomas Thorpe* should remain in
' Execution, notwithstanding his Privilege as a Mem-
' ber, and being Speaker of the House of Commons ;'
and sent a Committee of their own House to the Commons, to require them, on the King's Behalf, to chuse a new Speaker. Accordingly another Committee of the Commons were sent to the Lords to acquaint them that they had newly chosen, in the Place of *Thomas Thorpe*, Sir *Thomas Charlton*, Knight, for their Speaker ; to which the Chancellor answered, that the King approved of him, and willed them to proceed effectually.

The Commons
chuse Sir THO-
MAS CHARLTON
in his stead.

About this Time King *Henry* fell dangerously sick at *Clarendon*, and happy had it been for him if he had then ended his Days ; his Sickness continued a long Time, but, at last, he was perfectly recovered of it. The Joy at Court, on this Occasion, was augmented by the Birth of a young Prince, Queen *Margaret* having been delivered of him this Year, who was christened by the Name of *Edward*. The Transactions of this Parliament take Notice of both these Particulars, as will appear by the Sequel.

[272]

A Committee of the House of Lords was appointed to go to the King, lying sick at *Windsor*, to learn his Pleasure touching two Articles ; the *first*, To know who should be Archbishop of *Canterbury*, and who Chancellor of *England*, in the Place of *John Kempe*, by whose Death they lay in the King's Disposal. The *second*, To know whether certain Lords, there named, to be of the Privy Council, were agreeable to him, or not. On the 25th of *March* the said Committee reported to the whole House, ' That they had been to wait up-
' on the King at *Windsor*, and after three several Inter-
' views with him, and earnest Sollicitations, they could
' by no Means have Answer, or Token of Answer, from
' him.'

After this strange Insensibility of the King's was shewn to the Lords in Parliament on *March* 27, they constituted and appointed the Duke of *York* Protector and Defender of the Realm, so long as the same shall please the
King ;

King; the said Duke thereupon required the Answer ^{King Henry VI.} of the Lords to the Articles following :

I. ' That it be enacted, That the said Duke doth take upon him the said Office by the particular Appointment of the Lords, and not of his own Seeking or Desire.'

Answer. *The like Articles shall be made for this, as was made during the King's Minority.*

II. ' That all the Lords will assist the Duke in his Office.'

Answer. *It is agreed, by all lawful Means.*

III. ' To prescribe the Power thereby given to the said Duke.'

Answer. *He shall be Chief of the Council, Protector and Defender, which implies a personal Attendance against foreign Invasion and inward Rebellion; but no Authority of Governance; and all this so it be no Prejudice to the young Prince.*

IV. ' To appoint how much Money the said Duke shall take for the Exercise of the said Office.'

Answer. *Precedents shall be searched, and the Duke conferred withall about it, after which an Act shall be made to settle it.*

[273]

April 3. The King's Letters Patent were read in the House, appointing the said Duke to be his Chief Counsellor, Protector, and Defender of this Realm, during the King's Pleasure; or, unto such Time as *Edward* the Prince shall come to Age of Discretionⁿ: Which great Office the Duke, in full Parliament, took upon him to perform. Hence it appears, says a late Historian, that it was believed the King's Indisposition would last as long as he lived, and that it affected his Understanding more than his Body. In the next Place, adds he, by reserving this Office for a Child of six Months old, who was to exercise it when at Age, the Parliament shewed their Intention to preserve entire the Rights of the House of *Lancaster*, though the Duke of *York* was declared Protector. Other Letters Patent

VOL. II.

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ⁿ This Instrument is also in the *Public Acts*, and another immediately following it, for constituting *Edward* the young Prince, though then scarce seven Months old, Protector, &c. when he shall arrive at Years of Discretion. They are both of the same Date, *viz.* April 3, but the first is said to be done by Authority of Parliament, which the other is not. *Fæd. Ang.* Tom. XI. p. 346, 347.

King Henry VI. were read, which were made to *Edward* the young Prince, as in *Anno 1 Henry VI.* with the yearly Fee of 2000 Marks only, besides Allowances for learning to ride, and such other Exercises; provided the same be no ways prejudicial to any Grant made to *Margaret Queen of England.* Again,

The King creates his Son Prince of Wales, &c. The King, by his Letters Patent, createth his Son *Edward* Prince of *Wales* and Earl of *Chester*, to him and to his Heirs, Kings of *England*, with the Revenues thereunto belonging; which were confirmed by the Hands of all the Lords, and by the Commons in Parliament.

A Dowry settled on the Queen. By the same Authority the King granted to his Queen *Margaret* the Sum of 1000 *l.* yearly, for her Life, out of the Customs and Subsidy of Wool's in the Port of *Southampton*; besides sundry Manors and Hereditaments in the Counties of *Northampton*, *Southampton*, and *Oxfordshire*, which were also confirmed to her by Parliament.

[274] The further miscellaneous Proceedings of this Parliament were, that *Richard* Earl of *Salisbury*, *John* Earl of *Shrewsbury*, *John* Earl of *Worcester*, *James* Earl of *Wiltshire*, and the Lord *Stourton*, were appointed to keep the Sea; to whom was allotted the three Years Tonnage and Poundage granted by the last Parliament. And, *April 15*, it was agreed that, towards the Support of the Expence of the Lords aforesaid, there should be a Loan made from certain Cities and Towns, there named, of particular Sums, and they were to be answered for the same out of certain Customs and Subsidies.

In this Parliament *Thomas Courtney*, Earl of *Devon*, was accused of Treason, and acquitted of the same by his Peers, *Humphrey* Duke of *Buckingham* being High-Steward for the Time being: But, because the Duke of *York* judged the Honesty of the said Lord to be touched, the said Earl made a public Declaration of his Loyalty before the House, and referred further Trial of it, as a Knight should do; on which the Lords wholly acquitted him as a loyal Subject.

The King, by his Letters Patent, publicly read in this Parliament, acknowledged *Edmund* of *Hadsham*, and *Jasper* of *Hatfield*, the Sons of Queen *Katherine* his Mother,

Mother, to be his lawful Half-Brothers and Denizens. King Henry VI.
 The King also created the said *Edmund* Earl of *Richmond*, and that, in Parliament and elsewhere, he should The King's Half-Brothers created Earls, with Precedency.
 have Preheminence above all Earls. The King likewise granted to the said *Edmund*, and to the Heirs Male of his Body, lawfully begotten, the whole County, Honour, and Dominion of *Richmond*, with all the Hereditaments and Appurtenances, with Warranty by the accustomed Services. Likewise, by Assent of Parliament, the King granted to the said Earl of *Richmond*, in Tail-general, the Manor of *Worsdale*, with the Appurtenances, in the Counties of *Lancaster*, *Westmoreland*, and *York*, late belonging to *John* Duke of *Bedford*, to hold only by Fealty, with certain Provisions therein.

The King also, by other Letters Patent, created *Jasper* of *Hatfield* Earl of *Pembroke*, with the Preheminence to take Place above all Earls next unto his elder Brother *Edmund*; and gave him likewise the whole County, Honour, and Dominion of *Pembroke*, as above. In both which Creations and Grants are certain Provisoos, or Exceptions; and both these Letters Patent were confirmed by Parliament.

[275]

The Commons required the Lords to call to Mind the Hazard that the Town of *Calais* was then in, and the Safe-keeping of the Sea, and that the Subsidies granted might be really employed to that Purpose. They also desired the Lords to excuse them from granting any other Subsidies, for that they neither could nor durst do it. Finally, they required that a grave and wise Council should be established to answer all Petitions, &c. which was promised.

It was ordained, That the Mayor, Constable, and Fellowship of the Merchants of the Staple at *Calais*, shall be paid 10,000 Marks out of the Subsidy of Woolls there, which Sum they lent towards the Payment of the Soldiers' Wages in that Place. The said Mayor and Merchants made several Demands besides, which are specified, to which they had Answers given them. *Richard* Duke of *York* being appointed Captain, or Governor, of *Calais*, and requiring Satisfaction in thirteen Articles, or Demands, concerning ready Payment, and other proper Supplies for keeping the same, had reasonable Answers given to them.

King Henry VI. Sir *William Oldball*, Knight, who was Speaker in the last Parliament, was also attainted of Treason, for being concerned in *Cade's* Rebellion, and a Writ of Outlawry against him was confirmed by Parliament.

Whereas *Robert Poynings*, of *Southwark*, Esq; being Carver, Sword-bearer, and chief Actor with *Jack Cade*, had his Pardon, upon which he, with certain Sureties by Recognizance, was bound in the Chancery for his good Behaviour; since which Time he had committed many Riots, particularly in raising and going with Men armed in *Kent*, against the Law; therefore it was ordained, That an Extent, upon the said Recognizance, shall go against the said *Poynings* and his Sureties, and against him and their Lands and Goods.

We shall conclude the Business of this Parliament with taking Notice of a Petition exhibited by the Commons in it to this Purport. That whereas divers and sundry Lords of Parliament, as well Spiritual as Temporal, and commanded by the King's Writs to attend, have nevertheless absented themselves from coming to the Service thereof, that they be severally fined to the King's Use; for every Archbishop and Duke, 100 *l.* every Bishop or Earl, 100 Marks; every Abbot and every Baron, 40 *l.* to be levied upon their Lands, Goods, &c. with an Exception for the Bishops of *St. Asaph*, *Bangor*, and *Landaff*, who, on Account of their Poverty, we suppose, were only to be fined each 20 *l.* Sickness and Inability, well proved, was also allowed an Excuse, or Absence beyond the Seas, or Attendance on the King's Person in his present bad State.' Which Act had the Royal Assent.

The last we shall mention is a short Account of a Statute made on a private Affair. A Complaint was made by *Henry Beaumont*, Esq; Son and Heir to Sir *Henry Beaumont*, Knt. and *Charles Nowel*, Esq; against *Edward Lancaster*, of *Skipton* in *Craven*, Esq; for taking away Dame *Joan Beaumont*, late Wife to the said *Henry*, being lawfully married to the said *Charles*, and for that the said *Edward* married the said Dame against her Will, and thereby ravished her; against which *Edward*, and many others there named, Remedy is given by way of Appeal. These, and such like Practices, produced a Statute, which, in the Acts of this Year, goes under this Title,

Title, *A Remedy for a Woman inforced to be bound by King Henry VI. Statute or Obligation.*

It has been said, that the Wars with *France* being now ended, the Civil Dissentions, between the two Houses of *York* and *Lancaster*, began in contending for the Crown; tho' hitherto Matters had been carried on both Sides with Moderation, the House of *York* having yet not openly made their Claim to the Regality, neither in Parliament nor out; but only raised an Army, under Pretence of reforming Abuses in the Government. 'The Title this Family had to the Crown, says an Historian^a, was very fair, according to the Law of the Land; *Richard*, the present Duke, being Great-Grandson of *Lionel* Duke of *Clarence*, elder Brother to *John* of *Gaunt*, Duke of *Lancaster*, by whom the three last *Henries* derived their Right to the Crown. But *Henry VI.* tho' his Title was not so fair and clear, yet not being the Usurper himself, but succeeding upon the Usurpation of his Father and Grandfather, two very great Princes, and he being of known Goodness and Piety, had long kept Possession of it: Therefore it required great Art, Cunning, and Force, in the Duke of *York*, to wrest the Diadem from him.'

Most of our Historians relate, that the Duke of *Somerfet* was accused of Treason, in the last Parliament, having been arrested some Time before, and sent Prisoner to the 'Tower'. How far this last Circumstance may be true, is uncertain; but the former is apparently false, by the Proceedings of that Parliament given before. It is said further, 'That the Queen, who was as intent to save *Somerfet* as his Enemies to destroy him, had so contrived Matters, that nothing should be done against him; for the King being somewhat recovered from his Illness, and come well to his Senses, she caused him, tho' very weak, to be carried to the Houses, and there to dissolve the Parliament, so that nothing was

[277]

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^a *Daniel* by *Kennet*, p. 410.

^b *Fabian* writes, That the Duke of *Somerfet* was arrested of High Treason, Dec. 1, 1451, when the Parliament was sitting, and his Goods torn out of his House in the *Black-Friers*, and embezzled. For, at this Time, adds he, the Lords' Servants and Attendants who came to Parliament were very numerous; the Temporal Lords keeping then more Hospitality, and had greater Retinues of Servants, far exceeding what the Lords in his Time did, *Fabian's Chronicle*, Anno 1451, *J. Stowe*.

King Henry VI. 'determined in the Matter.' It is not possible to suppose that the Abridger of the Parliamentary Records would have overlooked this last Circumstance, nor the Records themselves, which we have carefully examined on this Occasion, been silent; and therefore, since it is taken no Notice of, we may well suppose it as erroneous as the former. Instead of that, *Edmund Duke of Somerset* is the second Person, on the List of the Peers, summoned to this Parliament; and he was ordered to be paid a very large Sum due to him for Fees, Wages, &c. whilst he was Governor of *Calais*, by Consent of both Houses^c.

It is certain, however, that the Duke of *York*, finding he could not get *Somerset* removed from the King's, or rather the Queen's, Protection, which probably he was not sorry for, raised another Army, and encamped with it near *St. Alban's*. The King and his Courtiers were as ready to oppose him, and a Battle was fought near that Town, *May 23, 1455*, in which the Duke was victorious; and the Duke of *Somerset*, the Earls of *Northumberland* and *Stafford*, *John Lord Clifford*, with many others, Persons of Note, and about 800 common Men, were slain; and, what rendered this Victory more complete, the King himself was taken Prisoner^d. And this was the first Blood drawn between the two Houses of *York* and *Lancaster*.

The Duke of
York raises an
Army, and takes
the King Prison-
er.

[278]

The Duke of *York*, and the Lords his Confederates, carried the King with them to *St. Alban's*, and paid him all the Honour and Reverence due to his Dignity. They besought him, on their Knees, to forgive the Action of that Day, and accept them for his loyal Subjects. For now the Duke of *Somerset*, the common Enemy of the Nation, and the Cause of this Commotion, being dead, he, and all his Adherents, would remain,

^c *J. Stowe* has given us the Articles which, he says, the Duke of *York* exhibited against the Duke of *Somerset* in Parliament; but they are very trifling and insignificant. *Cbron.* p. 393.

By two Instruments in the *Public Acts*, we find that the Dukes of *York* and *Somerset* were bound to each other in the Sum of 20,000 Marks, to refer their Differences to the Arbitration of the Archbishop of *Canterbury*, and seven other Bishops and Noblemen, there named, *Fæd. Ang.* Tom. xi. p. 362, 363.

^d In an Act of Attainder passed against the Duke of *York*, &c. *Anno 38 Henry VI.* The King himself is said to be hurt, or wounded, in this Battle.

main, during their Lives, his faithful and obedient Sub. King Henry VI
jects; and that he should find that the Destruction of
Somerſet was his own Preservation.

With ſuch artful Speeches they amused the poor
King, who ſeemed well ſatisfied with their Actions.
After which the confederate Lords ſpent their *Whitſun-*
tide together at *London*; where it was reſolved to call a
Parliament, to ſettle and compoſe Things for the ge-
neral Good of the Nation. Writs were accordingly iſ-
ſued out for ſummoning a Parliament, dated *May 26,*
at *Weſtmiſter*, to meet at the ſame Place on the 9th
Day of *July* following. It is to be noted, that no Peers
of either Side of the Queſtion were omitted in the Sum-
mons; this Liſt being conformable to the laſt, except
in the Names of the Lords ſlain in the laſt Battle^p.

The Records begin this Parliament in this Manner: Anno Regni 33.
‘ In the Preſence of the King, ſitting in his Chair of 1455.
‘ Eſtate in the Painted Chamber at *Weſtmiſter*, and of At *Weſtmiſter*.
‘ the Lords and Commons, *Thomas*^q Archbiſhop of
‘ *Canterbury* and Chancellor *England*, declared the
‘ Cauſe of the Parliament, and took for his Theme,
‘ what is not given in the Record, but an *Hiatus* left
‘ there inſtead of it. This is, indeed, *valde deſtendus*;
‘ for a Speech from the Chancellor, at this critical Pe-
‘ riod, muſt have been ſomewhat ſingular. There is
‘ only entered, That the Chancellor willed the Com-
‘ mons to chuſe their Speaker, and the next Day to
‘ preſent him to the King: And farther ſhewed to them,
‘ that the King’s Pleaſure was, That all Eſtates ſhould
‘ enjoy their Liberties.’

It was not till the next Day of the Seſſion that the
Chancellor cauſed certain Articles to be read before the
Houſes, containing the Cauſe of the Summons, which
were divided as follows:

Fiſt, To take Order for the Expences of the King’s
Houſhold.—For the due Payment of the Garrifon at
Calais, and the Marches there.—To provide for keep-
ing the Seas againſt any Invaſion of the *French*; par-
ticularly to guard againſt the *Scots*, who had beſieged
Berwick, notwithſtanding the Truce.—To appoint
how

[279]

^p Dugdale’s Summons to Parliament, Anno Regni 33.

^q Thomas Bourchier. Le Neve’s Feſti Ect. Aug.

King Henry VI. how and what Time the 13,000 Archers, granted last Parliament, should be employed.—To procure a perfect Accord and Unity amongst the Lords.—To restrain the carrying out of Gold and Silver Coin.—To provide for better keeping of the Seas.—To take Precaution that the Peace may be kept in *Wales*. To every one of which Articles a Committee of certain Bishops and Lords were, severally, appointed.

Sir JOHN WEN-
LOCK chosen
Speaker.

The Day after, the Commons presented Sir *John Wenlock* to the King, as their Speaker; who, with the usual Ceremony, was allowed. The same Day a long Conveyance, or Charter, made by the King, whereby he acquitteth *Richard* Duke of *York*, *Richard* Earl of *Warwick*, and *Richard* Earl of *Salisbury*, of any disloyal Practices, and taketh them to be his good and faithful Subjects, was read and confirmed by Parliament. In which it is remarked, that *Edmund* late Duke of *Somerset*, *Thomas Thorpe*, and *William Joseph*, Esqrs. by their false Dealings, had caused the King to think the contrary of these Lords, and raise a great Power against the Duke and them.

Then some Letters were read, wrote by the Duke of *York*, and sent to the Archbishop of *Canterbury*, Chancellor of *England*, dated from *Roxton*, in *May* last, concerning his coming with an armed Force to meet the King, in order to redress the Grievances he had complained of: One of these was also signed by the Earls and Lords that accompanied him, and expressed their great Obeisance and Submission to his Majesty. But these Letters, it seems, were kept from the King's Knowledge, by the Duke of *Somerset* and others, untill such Time as the said Duke of *York*, &c. met with the King at *St. Alban's*, last *May*, in order to have spoke with him; but that the Duke of *Somerset*, and others, did resist them with a great Number of armed Men, in which Conflict the said Duke of *Somerset* was slain. Lastly, it was urged, That then the Duke of *York* and his Allies waited on his Majesty very civilly, and made their humble Obeisance to him after the Battle.

Upon which the Duke of *York*, and all his Accomplices, were acquitted of coming with him to the said Con-

^r *Thorpe* was a Baron of the Exchequer, and *Joseph* is called by *Stowe*, for what Reason we know not, the King's Collateral Companion. *Stowe's Chron.* p. 400.

Conflict or Battle, and of any Harm done at it. This ^{King Henry VI.} was confirmed by the King and the general Consent of both Houses, and ordered to be inrolled, ^{The Duke of York and his Confederates declared innocent.} July 23, in the 33d Year of his Reign. All the Bishops and Lords were sworn to be true to the King, in open Parliament, and all their Names are, as usual, entered upon the Record. The same Order was taken for all other Lords that should come to Parliament to take the like Oaths.

The Oath that the Peers took at this Time was as follows: Taking the King by the Hand they singly said,

I Do promitte unto your Highness, by the Feith and Trough that I owe to God and to you, that I shall truly and feithfully kepe the Legeaunce that I owe unto you, my most Soveraine Lord, and to put me in my Devoir to do all that may be to the Welfare, Honoure, and Saufegarde of your most Noble Personne and Roiall Estate and Preeminence and Prerogative; and I shall at no Tyme will or consent to That that might in eny wise be or sowne [turn] to the Hurt or Prejudice of your said most Noble Personne, Dignity, Corone, or Estate. And, over that, I shall with all my Power resist and withstond all theim that wold in eny wise presumie to attempt the contrary. So God me help and all his Seyntes,

This Oath was taken and subscribed by the two Archbishops, two Dukes, (*York and Buckingham*) eleven Bishops, six Earls, two Viscounts, eighteen Abbots, two Priors, and seventeen Barons.

At the Request of the Earls of *Salisbury, Shrewsbury, and Worcester*, and of the Lord *Stourton*, who were made Guardians of the Seas, by the last Parliament, they were discharged from that Office: And, *July 31*, the Archbishop of *Canterbury*, as Chancellor, in the King's Presence, prorogued the Parliament from the same Day and Place to the 12th of *November* ensuing, at *Westminster*; after a general Pardon had been granted by the King, and confirmed by their Authority, for all Treasons, Felonies, Contempts, Trespasses, &c.

This is a pretty long Prorogation; and as to what was done in the Interval, History being silent, we may conclude that every Thing still continued in a seeming amicable Way. At the Time appointed the two Houses

King Henry VI. Houses met again; but here, it seems, the King was absent, for his Letters Patent were read the first Day, constituting *Richard Duke of York* to preside in this Session; which Commission was read publicly, first before the Lords, and next before the Commons^s.

[281] *November 13.* A Member of the House of Commons, whom the Record calls only by the single Name of *Burley*, with others, were appointed a Committee from that Body to go to the Lords, and require that the Duke of *York* and the Lords might move the King to appoint an able Protector and Defender of the Realm, since he would not himself attend the public Service, and that the Commons might be made acquainted with his Person and Character.

The next Day the said *Burley*, and others of the Commons, came again before the Lords, and renewed their Suit about the Protectorship, as they did the Day after. Upon this the Lords held a Consultation on the Affair; when it was resolved, That the Duke of *York* was the most worthy for the Office; and therefore a Request was made to the said Duke by the whole House, that he would take upon him the said Protectorship, according to the Precedents used before on the like Occasion: The Duke excused himself from accepting the Office, but desired Respite to consider of it.

The Duke again
appointed Pro-
sector,

This Consideration took up but a very little Time; for, the next Day, *Burley* and the rest coming as before to the Lords, again repeated their Desire. To which the Lord Chancellor answered, That the King, with the Assent of the Lords, had requested the Duke of *York* to be Protector and Defender of the Realm. The Duke accepted of it, and made the same Protestation and Demand as he did in the last Parliament, and had the same

^s The Preamble to this Instrument is in these Words:

Henricus, &c. Sciatis quod cum nos, undecimo Die Novembris ultimo præterito, de Assensu Consilii nostri, pro eo quod nos Parlamento nostro, quod nono Die Julii ultimo præterito apud Palatium nostrum Westmonasterii tenuimus, et tricesimo primo Julii tunc proximo sequente usq; ad duodecesimum Diem Novembris ultimo præteritum ad Palatium nostrum prædictum prorogavimus et adjornavimus, ob certas justas et rationabiles Causas in Persona nostra interesse non possumus;

De Circumspectione et Industria carissimi Consanguinei nostri Ricardi Ducis Eborum, &c. Rot. Parl. 34 Henry VI. No. 30.

Dated November 12, Anno Regni 34. *Fæd. Ang.* Tom. XI. p. 370.

same Answer. And after the said Duke had had some ^{King Henry VI.} Conference with a Committee of the Peers, appointed for that Purpose, it was agreed, That he should have yearly, towards his Charges, 4000 Marks. Only he desired that it might be recorded, he sought not this Honour himself, but had it laid upon him by them^t.

But this great Power, we suppose, was thought too dangerous to remain long in the Duke's Possession; for a small Time after, before this Parliament broke up, the King came in Person to the House; and, as well by his Letters Patent, in the Nature of a Writ, directed to *Richard Duke of York*, as by the whole Consent of the said Parliament, revoked and repealed the Power of Protector and Defender, and Chief Counsellor, before committed to the said Duke^u. And, at the same Time, the King committed the whole Estate, Affairs, and Government of the Realm, to the Lords of his Council. Only, for Matters concerning his Person, they were not to proceed without making him privy to it. [282]

In this Parliament the King, by several Letters Patent, confirmed to his young Son, *Edward Prince of Wales*, and his Heirs, Kings of *England*, his Creation of the Principality and Earldom of *Chesler*, with all the

par-
^t The Preamble to this Commission is still more remarkable than the former.

Rex, &c. Cum Communitas Regni nostri Angliæ in præsentī Parlamento nostro existens nobis sæpius humillime supplicaverit & instanter persuaserit, ob reprimendas Insolentias, Rebelliones, Murdra, & Riotas, quæ indies diversis ejusdem Regni Partibus attemptantur & committuntur, & ob bonum publicum Tutitionemque ejusdem Regni ac Pacis nostræ, nec non Tranquillitatis Subditorum nostrorum Conservationem, inclinare & consentire velimus Personam aliquam potentem & idoneum Protectorem & Defensorem Regni nostri prædicti constituere & ordinare, cujus Sapientia & Industria, Potentia & Juvamine, Regni Negotia melius, tutius & feliciter dirigi & expedire valeant :

Nos, Petitionem Communitatis prædictæ contemplantes, Infirmitateque, qua altissimo Salvatore nostro Personam nostram visitare placuit, Impedimentum præstante quo minus ad actualem Executionem Protectionis & Defensionis Regni nostri prædicti & Ecclesiæ Anglicanæ intendere possimus, & si plurimis vexaremur Negotiis, celerique Sanitati recuperandæ Obstaculum foret, considerata.

De Circumspectione & Industria carissimi Consanguinei nostri Ricardi Ducis Eborum, &c.

A Clause is added, That this Grant shall be void, as soon as *Edward* his Son shall arrive at Years of Discretion. Dated at *Westminster*, Nov. 19. By Authority of Parliament. *Fœd. Ang.* Tom. XI. p. 369, 370.

^u This Instrument is dated *February 25*; under it,

Per ipsum Regem & Consilium in Parlamento. Ibid. p. 373. *Rot. Parl.* 37 Hen. VI. N^o. 39, 40.

King Henry VI. particular Dominions and Hereditaments belonging to the said Honours. And, as it is recited, because the said Prince, the King's first-born Son, on the Day of his Birth, is, and ought to be, Duke of *Cornwall*, the King deliver'd up the same to him, and all other Hereditaments belonging to that Dukedom. Also it was ordained, That the said Prince shall be at Diet, and live in the King's Court, unto the Age of fourteen Years; for the which Diet the King shall yearly take all the Revenues and Profits of the said Principality, Earldom, and Duchy of the said Prince, untill the said Prince come to the Age of fourteen Years; allowing yearly, towards his Wardrobe and Servants' Wages, 10,000*l.* unto the Age of eight Years, and from that to fourteen Years 20,000 Marks yearly; with several other Provisions there expressed, which were all confirmed by Parliament *y.*

[283]

At the Request of the Mayor and Company of the Staple at *Calais*, Sir *John Cheyney*, Knt. Victualler of that Town, who, by the Appointment of the Council, had delivered to the said Mayor and Company certain of their Obligations, to the Sum of 2000 Marks, which they lent the said Sir *John* by Consent of Parliament, was acquitted of the same.

The King, for 20,000*l.* borrowed of the Merchants of the Staple, by the Assent of Parliament, granted to them the Repayment of the same out of the Customs and Passage-Dues in the Ports of *Sandwich* and *Southampton*.

A particular Allotment of 3934*l.* 19*s.* 4 $\frac{3}{4}$ *d.* out of divers of the King's Revenues, Customs, and Fee-Farms, is allowed yearly towards the Charges of the King's Household.

A general Act of Resumption of all Lands, Offices, Fees, &c. from the first Day of this King's Reign, was passed, with a great Multitude of Provisions made by the King therein, by which one might suppose that the whole Act itself was evaded.

After

y Notwithstanding these Royal Donations, Historians stick not to say, that he was not so much as the Queen's Son, but changed in the Cradle. *Fabian's Chron.* Anno 1453.

Hollingshead writes, That it was the Opinion of the common People, (perchance untruly, says he) that the King was not able to get a Child. *Chron.* p. 641.

After all this Business was transacted, *Thomas Arch- Bishop of Canterbury*, and Chancellor of *England*, by the Appointment of the Duke of *York*, the King's Commissioner, in the Presence of the Lords and Commons, prorogued the Parliament from that Day, *December 14*, to the *14th of January* next ensuing, at *Westminster*. [284]

But though we hear no more of a Meeting of this Parliament, yet it is necessary to learn what Historians have collected relating to the Proceedings of it, that the Reader, by comparing them with the foregoing Account from the Records, may better come at the Source of the Mischiefs which soon after involved all *England* in Blood and Ruin.

It is said that this Parliament met on the Day appointed, *July 9*, in order, indeed, to settle Things according to the Will of the conquering Lords, but under a Pretence of doing all for the Public Good *. Some few Acts were made, more for the Colour of Justice than the common Safety. One was, 'That Servants of Persons lately deceased, who have embezzled their Masters' Goods before the Executors can enter upon them, if they are found guilty, shall be attainted of Felony. That whereas the Officers of the Exchequer were guilty of great Extortion in exacting Fees of the People, it was stinted what Fees should be taken by them in the several Causes there tried and adjudged. That there should be but six common Attorneys in the County of *Norfolk*, six in *Suffolk*, and two in *Norwich*; because it was found by Experience that the Multitude of Attorneys in those Counties stirred up and procured many Suits at Law for small Trespasses, little Offences, and small Debts '. These Acts were passed and published, to let People see what a Reformation they might expect, if the popular Lords had the Rule. But, adds our Authority, they served only as a curious Prologue to what followed, and was chiefly intended, viz. the following Votes and Resolutions:

First, 'That the Government, as it was managed by the Queen, Duke of *Somerset*, and their Friends, had been of late a great Injustice and Oppression to the People. Resolutions against the Queen, &c.

* Sam. Daniel by Kennet, p. 412.

2 See Statutes at large, Anno 33 Henry VI. chap. i. iii. vii.

' That

King Henry VI.

[285]

‘ That the King, who was himself a pious and good Prince, had been abused by those who counselled and advised him, to his great Dishonour.

‘ That the Duke of *Gloucester*, whose Memory had been stained with a Charge of Treason and Rebellion since his Death, was a true and faithful Subject both to the King and Realm.

‘ That all Manner of Alienations and Gifts of the Revenues and Lands of the Crown, whether made by the King himself or Parliament, from the first Year of his Reign, should be revoked, and the said Lands and Revenues resumed and taken into the King’s Hands ^b.

‘ That no Person or Persons should judge or report that the Duke of *York*, with the Earls of *Salisbury* and *Warwick*, were guilty of Rebellion or Treason, in coming against the King, in a warlike Manner, to *St. Alban’s*, since the Action was necessary, and taken in Hand to free the King from Captivity, and bring Peace and Safety to the Nation; but all the Blame was to be laid on the Duke of *Somerset*, Lord Chief Baron *Thorpe*, and *William Josepb*, Esq; who, out of a malicious and evil Design, kept a Letter sent by the Lords from the King’s Knowledge; which, if it had been delivered to the King’s Majesty, would have taken away the Cause of these Disorders ^c.

By these Votes and Acts, adds our Authority, they made Way for the Resolution, which was the main Drift of all; by which it was appointed that the Duke of *York* should be Protector of the Realm; the Earl of *Salisbury*, Lord-Chancellor; and the Earl of *Warwick*, Governor of *Calais* and the Territories thereunto belonging: So that all Authority, Civil and Military, was in a Manner put into the Hands of the Confederate Lords, who made a Kind of a Triumvirate, and *Henry* had only his Title of

[286]

^b *Hollingshead*, p. 644.

^c The Purport of the Letter was this: “ That, as faithful and humble Subjects, they required only that it would please the King, whose Honour, Health, Surety, and Preservation they chiefly wished, not to give Credit to their Adversaries’ malicious Suggestions, till their coming to his Presence; unto which they humbly besought him that they might be admitted as his faithful Liege People, to shew the Intent and Purpose of their coming; which was to no other End than to declare their Fidelity and Allegiance towards his most Royal Person; intending to put themselves, with much Diligence and Labour, to procure him as much Honour, Health, and Safeguard as any Subject living.” *Hall’s Chron.* p. 644.

This Letter is at Length in Rot. Parl. 33 *Henry VI*: No. 20.

of King, without any other Power. Under this Establishment the Lords were very careful to administer Justice impartially, to avoid Delays of Suits, and to punish Bribery, in order to ingratiate themselves with the People.

An old Historian remarks, That they had no Mind to destroy the King, lest they should suddenly provoke the Fury of the common People against them; amongst which simple Sort, adds he, for his Holiness of Life and abundant Clemency, he was much favoured and esteemed^d.

Thus far our Historians; whose Account, if compared with the Records, is somewhat contradictory, tho' the main System of this Demi-Revolution seems to be set in a true Light. But this exalted Power, so snatch'd as it was, continued on its Basis but for a small Time, for the Queen soon found Means to overturn it. Notwithstanding the Loss of the Duke of *Somerset* and others in the Battle at *St. Alban's*, she had then several very eminent Lords in her Interest; and, being a Lady of a masculine Spirit, she was not afraid to undertake any Thing to keep up the Dignity of her Husband's Crown. It is probable that she caused the King to revoke the Grant of the Protectorship to the Duke of *York*, in the last Session of Parliament, before it was prorogued, as it is particularly mentioned in the Records, though all our Historians are silent about that, and only say that the Duke and Earl of *Salisbury* were displaced from their great Offices, by an express Order under the Great Seal, some Time after the Parliament broke up^e.

It is not in the Compass of these Inquiries to trace the Beginning, or Progress, of these intestine Troubles, any further than the Parliament of *England* was concerned in them, some necessary Connections being allowed. The Queen and her Party being again restored to the Government, kept their Ground for some Time; tho' the discontented Lords watched all Opportunities to dislodge them. Some Tumults and Skirmishes happened betwixt the two Parties, and another general Battle was dreaded; to prevent which, the pious King and his

[287]

^d Hall's Chron. Fol. clxix.

^e It was done by Act of General Council, called for that Purpose to *Greenwich*. *Hollinghead*, p. 646.

King Henry VI. his Bishops interfered, and Terms of Accommodation were offered to reconcile them. A grand Meeting of the Heads of both Parties appeared at *London*, with numerous Retinues of armed Followers^f; and there, Sword-in-Hand, as it were, a seeming Reconciliation was effected, the Terms of which are contained in eight Articles. Which Award, or Agreement, was sealed with the Great Seal, in the King's Palace at *Westminster*, March 24, 1458. and the thirty-sixth of his Reign^g.

An Agreement
between the
Queen's Party
and the Confede-
rate Lords;

And, on the Day of Publication, a solemn Procession was made to *St. Paul's Church*; the King in his Royal Robes, and the Duke of *York* leading the Queen, before whom marched the young Duke of *Somerset* and the Earl of *Salisbury*, the Duke of *Exeter* and the Earl of *Warwick*, with the rest of the Lords, thus coupled, attending^h.

Affairs continued in a peaceable Manner, after this, but a very short Time; for the same Year, a Fray happening near the King's Palace at *Westminster*, between a Servant of the King's and some of the Earl of *Warwick's*, the Quarrel run so high, that, many joining on each Side, the Earl himself had like to have been slain, who came to appease it. The Earl taking this as a Design of the Queen's to murder him, and fearing worse might happen, he hastened down to *York*, where, meeting the Duke and his Father, they soon concerted Measures together to begin a new Commotion.

But the Quarrel
soon renewed.

The Civil War was again entered into with great Briskness on both Sides; but Fortune did not favour the Duke of *York* and his Party in this second Attempt; for when the two Armies were come so near that a Battle was expected, the King's Proclamation of a general Pardon, for past Offences, caused most of the Duke's Followers to throw down their Arms, and accept it; and their Leaders were forced to fly into different Countries for Protection.

[288]

Henry

^f *Fabian* has left us an Account how and where the Lords of both Parties were lodged in the City and Suburbs. That some had 600 armed Men, some 900, and none less than 400, in their Retinues. So that the Mayor was obliged to keep a strong and diligent Watch, Night and Day, to prevent Tumults. *Chron. Anno 1458.*

^g See the Form of this Award in *Hollingshed*, p. 647. and the other *English Chronicles*, *sub hoc Anno.*

^h *Hollingshed*, p. 648.

Henry having thus got a Victory, without Bloodshed, King Henry VI. came to *Coventry*; where he had summoned a Parliament to meet on the 20th of *November*, by Writs dated at *Leominster*, or *Lempster*, the 9th of *October* foregoing. It appears by the List of the Lords called to this Parliament, that it was wholly made up of those who were staunch Friends to the House of *Lancaster*; though the Archbishops, Bishops, &c. were summoned as usual ^a.

The King gains a Victory.

On the Day of their Meeting, the King sitting in his Chair of State, in the Chapter-House belonging to the Priory of our Lady at *Coventry*, the Lords and Commons being also present, *William* Bishop of *Winchester* ^b, then Chancellor of *England*, made a notable Declaration, says our Authority, why this Parliament was called. But here is another *Hiatus* left by the Clerk, and no more of the Chancellor's Speech is given in the Record than his Theme or Text; which was, *Gratia vobis & Pax multiplicetur*; a very proper Portion of Scripture at that Time. However, we are told that the Chancellor desired the Commons to chuse their Speaker, and present him the next Day to the King. Accordingly the Commons presented *Thomas Tresham*, Esq; whose Excuse being rejected, with the common Protestation, he was allowed.

Anno Regni 38, 1460.

At Coventry.

THOMAS TRESHAM, Esq; chosen Speaker.

The first Thing this Parliament went upon, was to bring in, and pass, a Bill of Attainder against *Richard* Duke of *York*, and others, his Accomplices. The Instrument is very long, and contains, amongst other Matters, the following Charges:

The Duke of York, &c. attainted.

First, 'A Commemoration of the King's great Care
' in bringing the said Duke up from a Child; and the
' many Kindnesses and Honours he had bestowed upon
' him and his two Sons. *Next*, The Confederacy of
' the said Duke with *Jack Cade*, to get himself advanced
' to the Crown: The Duke's coming out of *Ireland*
' with Forces, even into the King's Court and Presence:
' His Practices to be Protector: His Intent to have rais'd
' an Army against the King at *Dartford*, in *Kent*: The
' Duke's Submission and Oath to the King in *Paul's*,
' after the same: The Duke's Oath at large: His Con-
VOL. II. U

The Articles against him.

[289]

^a *Dugdale's Summons to Parliament, Anno 38 Henry VI. Fabian calls this Meeting a Parliament or a great Council. Chronicle, 1439, 60.*

^b *William Waynflete. Le Neve's Fast Ecc. Ang.*

' federacy

King Henry VI. ' federacy with the Earls of *Warwick* and *Salisbury*: A
 ' Rehearsal of the King's sundry Favours and Benefits
 ' conferred on the said two Earls: The King's Pardon
 ' granted to the said Duke and Earls, and their Promises
 ' of due Obedience, with a Renumeration of divers Be-
 ' nefits bestowed upon them after: The Ambition of
 ' the said Duke and Earls; their new Oaths and Pro-
 ' mises made to the King; their Policy in not coming
 ' to the Council; and their Readiness in getting toge-
 ' ther from a great Distance: The Expedition of the
 ' Earl of *Salisbury*, with *Thomas* and *John Nevile*, Knts.
 ' Sons to the said Earl; *Sir Thomas Harington*, *Sir John*
 ' *Conyers*, *Sir Thomas Parre*, Knts. *William Stanley*, Esq;
 ' Son to *Thomas Lord Stanley*, and *Thomas Meryng*, of
 ' *Tong*, in the County of *York*, with 5000 Men and
 ' Banners displayed at *Blorcheath*, on the Feast of
 ' St. *Matthew*, Anno Regni 38. *James Lord Audley*
 ' slain at the Battle of *Blorcheath*, in *Staffordshire*, by
 ' the said Earl; and *John Lord Dudley*, with several
 ' others, taken Prisoners: The King's pursuing them
 ' for the Space of thirty Days and Nights; the King's
 ' Pardon offered to them, and their Refusal: The As-
 ' sembly of the said Duke also at *Ludeford*, in *Here-*
 ' *fordshire*, with *Edward Earl of March*, *Richard Earl*
 ' of *Warwick*, *Richard Earl of Salisbury*, *Edmund Earl*
 ' of *Rutland*, *John Lord Clinton*, *John Wenlock*, *James*
 ' *Pickering*, *John Coniers*, and *Thomas Parre*, Knights;
 ' *John Bouchier* and *Edward Bouchier*, Esqrs. Nephews
 ' to the said Duke; *Thomas Colt*, of *London*, Gentleman,
 ' *John Clay*, of *Chefhunt*, in *Hertfordshire*, *Roger Eyton*,
 ' of *Shrewsbury*, and *Robert Bold*, Brother to *Sir Henry*
 ' *Bold*, Esqrs. who, with many others, pitched their Field
 ' near *Ludeford*, in the County of *Hereford*, on Friday
 ' the Vigil of the Translation of St. *Edward*, Anno Reg-
 ' ni 38: That the Duke made a Pretence to the Army
 ' that the King was dead, for whose Soul Mass was said
 ' publickly in the said Duke's Camp: The King's Ex-
 ' pectation of the Duke, and the Duke's ranging his
 ' Army in Battle Array, fortifying the Ground with
 ' Carts, placing Guns upon them; an Ambush laid,
 ' and his Intention to have suddenly surprized the King's
 ' Forces: The Departure of the said Duke and Earls
 ' out

[290]

out of the Field, about Midnight, under Colour to King Henry VI. repose themselves at *Ludlow*, and their Flight into *Wales*, because that their Army fainted and submitted themselves to the King, who granted them Pardon.

Wherefore, for these and many other Causes, the said Duke, Earls, and others, were attainted of Treason by Parliament, and voted Traitors to the King and Kingdom; *Alice* the Wife of *Richard* Earl of *Salisbury*^m, *Sir William Oldhall*, Knt. and *Thomas Vaughan*, of *London*, Esq; were, at the same Time, attainted as Traitors, for procuring and aiding the Treasons aforesaid. And all and singular Hereditaments, &c. of the said Duke, and others, attainted, in Fee or Fee-Tail, were adjudged to be forfeited to the Crown; and their Heirs disinherited to the Ninth Generationⁿ.

Richard Gray Lord *Powis*, *Sir Henry Radford*, Knt. and *Walter Devereux* Esq; were pardoned their Lives, for being in the Field with the Duke at *Ludlow*; but their Hereditaments, and other Profits, were forfeited as before.

It was enacted, 'That all Letters Patent and Grants of any Office to any Person that was against the King in the Fields of *St. Alban's*, *Bloreheath*, and *Ludlow*, shall be void; and that all Grants made by *Richard* Duke of *York*, or by the Earls of *Salisbury* and *Warwick*, to any Persons, being in those Fields against the King, be also void: But that all Grants made by the King to Persons with him in the said Fields, may stand good; some Provisoes excepted.'

At the Request of the House of Commons, *Walter Hopton*, *Roger Kenistone*, *Fulk Stafford*, *William Hastings*, (Son to *Sir Leonard Hastings*, Knt.) and *William Bowes*, Esqrs. for being in the Field against the King at *Ludlow*, paid their Fines, and were pardoned. At the same Time the Commons accused the Lord *Stanley*, in sundry Particulars, of being in Confederacy with the Duke of *York*, and prayed that he may be committed to Prison.

Answer. *The King will be advised.*

U 2

After

^m He was Earl of *Salisbury* in Right of his Wife, who was Daughter and Heir to *Thomas de Montacute*, the last Earl of that Name. *Dugdale's Baronage*, Part I. p. 302.

ⁿ *Hollinghead*, p. 652. *Daniel in Kennet*, p. 420.

[291]

King Henry VI. After which another very solemn Oath was framed, which all the Bishops and Lords, there named, did take, subscribe, and seal, on the 11th Day of December, in full Parliament.

The Form of this Oath is much stronger and more binding than the last, taken in the 33d of this King, (which we have given before) when the *Yorkists* had him in Custody; and since we have chose to copy the former from the Record, the latter demands a Place also in these Inquiries, to shew the extreme Jealousy of these Times, and what Precaution was taken to secure the Attachment of the Nobility to the reigning Prince.

A solemn Oath
taken to Henry.

I A. B. ^a *acknowledge* you, moost High and Mighty and moost Cristen Prynce, King Henry the Sixt, to be my moost redouted Sovereaign Lord, and righteously, by Succession, borne to reigne upon me and all your Liege People; whereupon I voluntariely, without Cobention, promitte and oblish me, by the Feith and Trowth I owe unto God, and by the Feith, Trowth, and Ligeaunce that I owe unto you my moost redouted Sovereaign Lord, that I shall be, without any Variannce, true, feithful, humble, and obeissant Subget and Liegeman, unto you my moost redouted Sovereaign Lord; and that I shall be unto my Lives End, at all Tymes and Places, redy and attending at your Calling, in my moost herty Wyse and Maner, as any true Liegeman oweth to be unto his Sovereaign Lord, putting me in my true undelaced Devoir to doo all that that may be unto the Wele and Surete of your moost Roiall Persone, of your moost noble Estate, and the verry Conservation and Continuance of your moost high Authorite, Pree-eminence, and Prerogatife; to the Wele, Surete, and Preserveing of the Persone of the moost high and benigne Princeesse Margarete the Quene, my Sovereaign Lady, and of her moost high and noble Estate, she being your Wyf; and also to the Wele, Surete, and Honour of the Persone of the right High and Mighty Prince Edward, my right redouted Lord, the Prynce your first-begotten Sonne, and of the right high and noble Estate of the same; and feithfully, truly, and obeissantly, in my moost humble Wyse and Maner, honoure, serve, obey, and bere myne Aligeaunce unto you my moost redouted Sovereaign Lord, during your Lys, which God,

Fader

Fader of Mercy, for my moost singular Comfort, preserve King Henry VI. long in Prosperite to endure: And yf God, of his infinite Power, take you from this transitorie Lyf, me beryng Lyf here in this World, that than I shall take and accept my seid redouted Lord the Prynce Edward, your seid first-begotten Sonne, for my Soveraigne Lord, and bere my Trouth, Feith, and Liegeance unto him, as my naturall-borne Soveraigne Lord; and, after him, unto his Succession of his Body lawfully begoten; and, in Defaute of his Succession, wich God defend, unto eny other Succession of your Body lawfully comyng. And I shall never at eny Tyme, for eny Maner, Occasion, Colour, Affinite, or Cause, consent, give Aid, Assistance, or Favour, or agre to eny Thing that I may understand or know by eny Meane, that may be prejudiciall or contrarie to the Premisses, or eny of them; but that I shall, as soon as I may see or have Knowleche, put me in my due undelayed Devoir, in my moost herty and effectuous Wyse and Maner, without Colour or Feyntise, with my Body, Goodes, Might, Power, Counseill, and Advertisement, to resist, withstand, and subdue all them that wold in enywyse presume to do contrarie to the Premisses, or eny of them: So God me help and thiese holy Evangelists.—In Witnes whereof I sett to theise Presents my Seall and myne Signe Manuell.

This Oath was taken and subscribed by the two Archbishops, the Dukes of *Exeter*, *Norfolk*, and *Buckingham*, sixteen Bishops, five Earls, two Viscounts, fourteen Abbots, two Priors, and twenty-two Barons: In all sixty-six Peers of Parliament.

The more private Transactions of this Parliament, on Record, are these:

The King, by the Authority aforesaid, gave to the Queen the Manor of *Cosham*, with the Appurtenances, in *Wylts*, and 20*l.* yearly out of the Aulnage of Cloth in *London*, in Exchange for the Manor of *Havering-Bower*, in *Essex*, which had been settled upon her.

All such Manors and other Hereditaments of the Duchy of *Lancaster*, as are comprized in an Article made 23 *Henry VI.* which, with other Hereditaments of the said Duchy, were granted to *Thomas* Archbishop of *Canterbury*, and to several other Feoffees in Trust, for the Performance of the King's Last Will, were com-

King Henry VI. mandated to pass under the Great Seal, and were confirm'd by Parliament.

Edward Prince of Wales, by his Petition, reciteth the Erection, Donation, and Annexing of the Duchy of *Cornwall*, with all the Hereditaments and Liberties belonging to the same, granted by Parliament; and several other Patents granted ¹¹ *Edward III.* were also recited at large; whereupon the said Prince required that he may enjoy the same accordingly; and, amongst other Things, that all such Tenants as hold of the said Duchy in Chief, may therefore sue Livery out of the said Duke's Hand, although they hold otherways of the King in Chief; and that he may freely enjoy the said Duchy, with all the Revenues and Liberties of the same, as it ought to be, notwithstanding a Statute made *Anno 33 Henry VI.* all which were granted, by common Consent, with certain Provisoos and Exceptions.

[292]

The King's Letters Patent were confirmed, by this Parliament, to the Provost and Scholars of the College of *Eaton*, and as well all and singular his Grants, as all other Men's Grants made to the said Provost and Scholars. The same Confirmation was made to the Provost and Scholars of *King's College, Cambridge*; with a Provision for a College called *Pembroke Hall*, in that University. Likewise the Royal Foundation and Donation of the Priory of *Syon*, erected by King *Henry V.* was confirmed by the whole Assent of Parliament.

The Commons exhibited a Complaint against twenty-five Knights and Esquires, by Name, of several Counties, for their manifold Robberies, Rapes, and Executions; against which strict Orders were taken to cause them to answer for the same.

It was enacted, 'That all Letters Patent made to any Person or Persons, of the Offices of Sheriffs or Escheators for Life, within the Counties of *Chester* and *Flint*, be utterly void, except certain Persons there named.'

Lastly, and what is very remarkable, on a Petition of the Sheriffs of Shires within this Kingdom, that were in Office the last Year, an Act was passed, 'That all such Knights of any County as were returned to this Parliament by Virtue of the King's Letters, without any other Election, should be valid; and that no Sheriff, for returning them, shall incur the Penalty of the Statute

A strange Act in Favour of the Prerogative.

'tute made *Anno 23 Henry VI. b.* — But more of this King *Henry VI.* hereafter.

After all which, on the 25th Day of *December*, the Chancellor, in the Presence of the King and the Three Estates, and by his Majesty's Command, after giving Thanks to the whole Body, dissolved this Parliament.

These were the Transactions of this extraordinary Parliament, extracted from the Records; of which our Historians are almost altogether silent; nor is there any Mention of it in the *Statutes at large*, except that we find an Act was made, in the next, to repeal and abolish all the Proceedings of this Parliament at *Coven-try*. It is very remarkable, however, what one contemporary Historian hath left us, concerning King *Henry's* Conduct on the Bill of Attainder: He writes, 'That, when the Clerk of Parliament had read the Statute to the Lords, the King's Modesty and Love for Mercy was so great, that he caused a Proviso to be inserted and added to the Bill, *That it might be lawful to him at all Times, fully, without Authority of any other Parliament, to pardon the said Noblemen, and restore them again to their former Estates, Degrees, and Dignities, if, with a Spirit of Humility, they came to beseech his Grace and Favour* c.'

[293]

But, not long after their Rising, Affairs had a new Turn; and the Partizans of the House of *York* overthrew all the Measures that had been taken against them. A Battle was fought near *Northampton*, with great Obstinacy on both Sides; till at length the Victory fell to the young Earl of *March*, eldest Son to the Duke of *York*; who, in his Father's Absence in *Ireland*, was General in Chief. Ten Thousand of the King's Forces were slain, amongst whom were these Men of Note: *Humphrey Duke of Buckingham*; *John Talbot*, Earl of *Shrewsbury*; *Thomas Lord Egremont*; *John Viscount Beaumont*; and *Sir William Lacy*. The King himself was again taken Prisoner in his Tent; whilst the Queen, with the young Prince *Edward* her Son, and the Duke of *Somerset*, fled as far as the Bishopric of *Durham*, before

A second Battle at *Northampton*.

The King again taken Prisoner.

^b Rot. Parl. 23 Henry VI. No. 35.

^c *J. Walsingham*, Abbot of *St. Alban's*. This is confirmed by the Record,

King Henry VI. fore they thought themselves safe from the Pursuers. This Battle was fought July 6, 1461.

[294]

The victorious Lords having the King once more in their Power, and ruling all Things almost at their own Pleasure, proceeded vigorously in the Execution of their Designs. To that End they summoned a Parliament, in King Henry's Name, to meet at *Westminster* on the 7th of *October* this Year; the Writs bearing Date at the same Place, July 30, *Anno Regni* 39.

There is a Mistake of a Year in the Date of *Dugdale's* Summons to this Parliament, which the Records set right: But then the former has given the Names of all the Spiritual and Temporal Lords, &c. which are wholly omitted in the other; in which we remark that the Summons was general, for all the Peers of both Parties, which were left alive, were called to it without any Exception; and there is nothing in the Body of the Writ which is contrary to the usual Form: The first of those to the Lay Lords, was directed to *Richard Duke of York*, in the same Stile as before ^d.

Anno Regni 39.
1461.

At Westminster.

In the Presence of the King, sitting in his Chair of State, in the Painted Chamber, within the Palace at *Westminster*, and of the Lords and Commons, *George* Bishop of *Exeter* ^e, then Chancellor of *England*, made a Declaration, taking for his Theme, *Congregate Populum, Sanctificate Ecclesiam* ^f. At the Conclusion of which the Commons were desired to chuse their Speaker, and present him to the King. The next Day the Commons made a Declaration to the Chancellor, that they had made Choice of a Speaker; and on the fourth Day of this Session they presented *John Green, Esq*; whose Excuse being refused, he was admitted as usual.

JOHN GREEN,
Esq; chosen
Speaker.

The Receivers and Triers of Petitions being appointed, as usual, the next Thing this Parliament went upon was to pass an Act to repeal every Thing that was done in the last held at *Coventry*, Nov. 20, An. 38 Henry VI. and that all Acts, Statutes, and Ordinances, made by the Authority of the said Parliament, shall be reversed:

[295]

For

^d Rex charissimo Consanguineo suo Ricardo Duci Ebor, &c. *Dugdale's* Summons *Anno Regni* 38.

^e *George Neville*, Son to the Earl of *Salisbury*, and Brother to the famous Earl of *Warwick*, afterwards translated to *York*. *Le Neve*, &c.

^f The Clerks in this, as well as some former Parliaments, always omit the Chancellor's Speech at the Opening.

For which this Reason is assigned, *Because that Parliament was unlawfully summoned, and the Knights and Bur-* King Henry VI.
gesses not duly chosen &c.

All the Acts of
the late Parlia-
ment at *Coventry*
repealed.

The Reader may observe, by a Paragraph in the Account of the last Parliament, that the King was obliged to get the Sanction of the Houses to gloss over an undue Practice in the Return of Knights of the Shires for that Parliament. It is probable that *Henry's* Credit was then at so low an Ebb, that he durst not trust the Country on such an important Occasion; and therefore summoned the Knights by Letters expressly from himself. This unwarrantable Proceeding must be the first that the Duke of *York* and his Party would take hold of, to cassate and annul that terrible Bill of Attainder which was carried against them in that Parliament. And so effectually they did it, that the Acts and Statutes of the Parliament at *Coventry* have no Place nor Mention in our Statute-Books, except in the Repeal, as is said beforeⁿ.

And now we begin with the first Time that *Richard* Duke of *York* made his public Claim to the Crown of *England*, in the Face of an *English* Parliament. It has been many Times hinted at before, in the Progress of these Inquiries, that his sole Aim was to gain the Dia-
dem; notwithstanding the many specious Pretences of raising Armies to reform Grievances, in order to hide his real Design. As this is a Crisis of Time very remarkable in *English* History, and the Duke of *York's* Claim made valid, or disputed, by Writers of different Sentiments, we shall first give what we can extract from the Records; and, next, what our best Historians have left us about it.

The Duke of
York's Claim to
the Crown, ac-
cording to the
Records.

[296]

On the 16th of *October* the Council for the Duke of *York* exhibited a Writing to the Lords, in full Parliament, containing the Right and Claim of the said Duke to the Crown of *England* and Lordship of *Ireland*. The Lords, upon some Consultation amongst themselves, agreed that it should be read, but not to be answered without the King.

The

ⁿ See *Statutes at large*, Anno 39 *Henry VI.* cap. i.

^b In the *Public Acts* is a *Mandamus* sent to the Sheriffs, &c. through *England*, commanding them to make Proclamation in their several Divisions, that the Acts, &c. done at *Coventry* are null and void. Dated at *Canterbury*, August 3, 1460, *Außerhalb Parliamenti*. *Fœd. Ang.* Tom. XI. p. 460.

King Henry VI. The Duke, in his Claim, derived his Pedigree from King Henry III. to King Edward III. and proved himself descended in a right Line from Lionel Duke of Clarence, third Son to King Edward III. by which he avouched himself the undoubted Heir to the Crown before any of the Line of John of Gaunt, who was only the fourth Son to the said King Edward.

The Lords, after a long Consultation, thought proper to lay this Claim and Title before the King, who desired them to call the Judges, King's Serjeants, and the Attorney-General, to answer the same. But these Men, well considering the Danger in meddling with this high Affair, utterly refused to be concerned in it; nor would they, though urged to it by Threats, give any Opinion of the Matter. Upon which an Order was made, That every Peer made might freely and indifferently speak his Mind, without Fear and Impeachment. And, in the End, the following Objections were made to the Duke's Claim :

Objections to
his Title.

1st, ' The Oaths of all the Lords taken to the King ' in being, and particulary the Oath of the Duke himself; which neither they nor he ought to break.

2^{dly}, ' The several Acts of Parliament made against ' the Title of the said Duke, by divers of the King's ' Progenitors; which Acts, being of more Authority ' than any Chronicle, are thought sufficient to bar the ' Duke's Claim.

3^{dly}, ' Several Acts of Entail made of the Crown of ' England on the Heirs Male.

4^{thly}, ' That the Duke, by pretending to draw his ' Title from Lionel Duke of Clarence, should rather ' bear his Arms than those of Edmund Langley, Duke ' of York.

[297]

Lastly, ' That at the Time Henry IV. took upon ' him the Crown of England, he said he entered and ' took the same, not as Conqueror, but as right Heir ' to King Henry III.'

The Answers which Richard Plantagenet, commonly called Duke of York, gave to the Objections afore-said, were as follow :

The Duke's
Answer.

First, ' That no Oath, being made by the Law of ' Man, ought to be performed or kept, when the same ' tendeth

‘tendeth to the Suppression of Truth and Right; which King Henry VI.
‘is against the Law of God.

‘To the *second* and *third*, He knoweth no other Acts
‘of Parliament than one, *Anno 7 Henry IV.* touching
‘a general Tayl, by him an Usurper; for, if he had any
‘Right to the same, he neither needed nor would have
‘made such an Entail.

‘To the *fourth*, He justly might have borne the Arms
‘of the Duke of *Clarence*, and of *England*; only he
‘forbore the same for a Time, as he did his Claim to
‘the Crown, for Causes not unknown to all this
‘Realm; for, *though Right for a Time*, says the Record,
‘*rest and be put to Silence, yet it rotteth not, nor shall it*
‘*perish*’.

‘The *fifth*, Being a manifest and an approved Un-
‘truth, was only a Cloak to shadow the violent Usur-
‘pation of *Henry of Derby*, and to deceive the People
‘standing about him.’

After these Answers of the Duke, to the Objections
against his Title, were read in the House, the Lords
went upon Ways and Means to compromise Matters,
and came to this Resolution, ‘That since the Title of
‘the Duke of *York* to the Crown of these Realms could
‘not be defeated, the present King should enjoy the
‘Crown of *England*, during his Life; and that the
‘Duke and his Heirs should succeed after him;’ which
Determination the Chancellor was appointed to declare
to the King. And the Duke of *York*’s Pedigree and
Title being again repeated to him, the King consented
to this Award; and it was drawn up in Form follow-
ing:

The Parliament
determine him to
succeed to the
Crown after
Henry’s Death.

First, ‘That the King should, during his Life, en-
‘joy the Crown and Preheminence of the Realm of
‘*England*.

‘That the said Duke, the Earl of *March*, and *Ed-
‘mund* Earl of *Rutland*, his Sons, should be sworn by
‘no Means to shorten the Days, or impair the Sove-
‘reignty, of the said King, during his Life.

[298]

‘That the said Duke should be from thenceforth re-
‘puted, and stiled, the very Heir Apparent to the
‘Crown aforesaid, and shall enjoy the same after the
‘Death, or Resignation, of the said King.

‘That

King Henry VI. ' That the said Duke shall have Lands and Hereditaments allotted to him of the clear yearly Value of
' 10,000 Marks; whereof 5000 shall be for his own
' Estate, 3500 for the Earl of *March*, and 1500 Marks
' for the Earl of *Rutland*.

' That the compassing the Death of the said Duke
' shall be Treason.

' That all the Bishops and Lords, in full Parliament,
' shall swear to the said Duke, and to his Heirs, in
' Form aforesaid.

' That the said Duke and his two Sons shall swear
' to defend the Lords, on Occasion of their consenting,
' or agreeing, to this Award.'

The King, on his own free Motion, and with the Consent of the Lords, agreed to all the Ordinances aforesaid. And, by the Assent aforesaid, he utterly repealed the said Statute of Entail, made *Anno 7 Henry IV.* and all other Acts that tended thereto; so always as, hereafter, no better Title could be proved for the defeating of this Title and Act now made.

After all this, on the Vigil of the Feast of *All Saints*, the Duke of *York*, and the two Earls his Sons, came into the Parliament before the King and Lords, and there both promised and swore to perform the Award aforesaid, provided the King, on his Part, duly performed the same; which the King then also promised to do. All which Protestation the Duke and Earls required to be inrolled.

Then the King, by his Letters Patent, assigned to the Duke of *York* several Districts and other Hereditaments in *Wales*, and elsewhere, to the yearly Value of 10,000 Marks, as aforesaid; in which Grant are several Provisoos, particularly for the Duchy of *Lancaster*. All this was confirmed by the full Consent of Parliament; and an Act was published, ' Declaring the
' Duke of *York* to be right Heir to the Crown; by
' which also a Power was given him, to ride through
' the whole Kingdom, for suppressing of all Rebellions
' and Insurrections; wherein Commandment is given
' to all Sheriffs, Officers, and Subjects, to obey him as
' the King, under some Restrictions.'

An Affair or two, of less Consequence, concludes the Business of this Session in the Records.

Whereas

Whereas for such Hereditaments of the Duchy of *Lancaster*, which the King had put under Feoffees in Trust, to the Use of his Last Will, there was appointed one Chief Steward and Chancellor, one Receiver-General, an Attorney-General, with Auditors, with Fees accordingly; the King, by Assent of Parliament, revokes all the said Offices and Fees in the said Grant, so as all the said Premises in Feoffment shall be under the Rule and Government of such Chancellors, and other Officers, as were and had the same before the said Feoffment was made. And it was further enacted, 'That all the Revenues of the Duchy of *Lancaster*, as well of Land and Feoffment as otherwise, shall be received by the Receiver-General of the said Duchy, for two Years, and by him paid over to the Treasurer of *England*; with other weighty Affairs of the Realm, wherein are contained some principal Provisions for Foreigners and Officers of the said Duchy.' Lastly, All the Conveyances and Feoffments, in Use for all the Hereditaments, mentioned in the 38th of *Henry VI.* were rehearsed; and it was enacted 'That all and singular the Premises shall go only to the Performance of the King's Will, and not otherwise.'

One Act only, made in this Parliament, is entered at Length in our Statute-Books; which is, 'That a Woman at fourteen Years of Age, on the Death of her Ancestor, shall have Livery of her Land.' This Act was passed on the Petition of *John Nevil*, Knight, and *Isabel* his Wife, the Daughter and Heir of *Edmund Yngaldestherp*, Knt. — Thus far from the Records.

We shall next examine how our Historians have treated this important Affair of the Succession, which was the greatest that ever came before an *English* Parliament: And first,

Mr. *Daniel* tells us, 'That after the victorious Lords, who had now the King in their Power, had caused him to call a Parliament, they sent Messengers, with all Speed, to *Ireland*, to inform the Duke of *York* of their Success. Ambition, says our Author, needs no Spurs; the Duke presently embarked himself and his Retinue at *Dublin*, landed at *Chester*, and, *October* 10, made his public

[300]
The Duke's
Claim, as related
by Historians.

King Henry VI. public Entry into London, with Trumpets sounding, a naked Sword borne before him, a great Train of armed Men accompanying him, and took up his Lodgings in the King's own Palace, and in his own Apartments, the humble King contenting himself with the Queen's Lodgings.

The Parliament had sat three Days before the Duke arrived; and he, having passed through the City in the Manner aforesaid, went directly to *Westminster*, into the House of Peers, and placed himself on the King's Seat or Throne; tho' other Historians say¹, That he did not sit down, but only took hold of the Cloth of State. He stood a while in that Posture, looking upon the Lords stedfastly, as tho' he would read their Countenances, their Thoughts, and Resentment of that Action. At that Instant *Thomas Bourchier*, Archbishop of *Canterbury*, came from Henry into the House; and, after making the usual Reverence to the Duke, he asked him, *Whether he would not go and pay his Respects to the King?* The Duke, at this Question, was observed to change Colour, and then answered him in a Passion, *That he knew none in this Kingdom to whom he owed that Duty or Honour; but, on the contrary, all Men owed it to him; and therefore King Henry ought to come to him.*

[301]

The Archbishop, having heard this Reply, went back to the King to let him know it; which the Duke perceiving, he rose up and followed him into the Palace, got Possession of the King's Lodgings, breaking open several Doors and Locks for Entrance. He staid there but a little while, and then returned to the House again, leaving his Servants and chief Attendants to keep them for him. Being again seated on the Royal Throne, he boldly made his Demand of the Crown, and the Regal Authority of *England*, in a Speech for that Purpose.

Hall, in his *Chronicle*, hath given us a Speech, which he says the Duke of *York* spoke from the Throne in the House of Peers, when he made his Claim to the Crown at that Time; but the Substance and Language of it is so very mean that it does not deserve our Notice, not even as it is altered by Mr. *Daniel*; especially when the Claim hath been much better made out before by the Record itself. *Livy* is said to be very remarkable for putting

¹ Biendi's *Henry VI.* p. 172.

putting fine Speeches into the Mouths of his Heroes and King Henry VI. Senators; but the Nonsense and Stupidity of this makes it impossible to come from any Body but the Historian himself. Besides, *John Whethamstead*, Abbot of *St. Alban's*, a Contemporary, (and probably, by his Station, in the House of Peers at that Time) makes no Mention of any such Speech in the History he wrote of this Reign, and particularly of this Revolution *.

The *French* Jesuit who wrote on the *English* Revolutions, indeed, has put a Speech into the Duke's Mouth on this Occasion, not unworthy either of the Speaker or the Author, for such we suppose him to be; which, since it comes within the Compass of our Design, well deserves a Place in these Inquiries.

[302]

It was supposed by the Parliament, says that Historian, that the Duke would now take off the Mask; but they were perfectly convinced of it by an open Declaration which he himself made to them the first Time he enter'd the House; for, being seated on the Throne, without asking Leave of any one, he spoke as follows :

‘ YOU all know very well, says he, that the Throne whereon I sit hath been usurped from my Ancestors; and you cannot be ignorant by what Crimes those, who had it full sixty Years, have kept Possession of it. *Henry IV.* embred his Hands in the Blood of *Richard II.* and *Henry V.* destroyed my Father. But we will spare the Remembrance of these Things, which can only serve to stir up a Breast disposed to take that Vengeance, which I will sacrifice to the Public Good. Whilst the House of *Lancaster* did

His Speech to the Parliament,

As an Instance, in the first Paragraph of it is this notable Expression and Metaphor: *This noble Realm, and our natural Country, shall never be unbuckled from her daily Fever, except I, as the principal Physician, and you, as the true and trusty Apothecaries, consult together in making of a Potion, and try out the clean and pure Stuff from the corrupt and putrified Drugs.* Hall's Chron. Fol. clxxvii.

See *Hollinghead* also, p. 655.

* The History of *Croyland*, near contemporary with these Times, seems to say that the Duke of *York* did make his Claim in the House by Word of Mouth; *Accedens ad Thronum Regis, Sedem illam vendicavit tanquam suam, describens Genealogiam suam linealiter, &c.* Hist. *Croyland*. Contin. 550.

The last Act of State which *Henry* did, or was commanded to do, was to grant a Commission to *Edward Duke of York*, after his Father *Richard* was slain at the Battle of *Wakefield*, for raising Forces to fight against his Queen and Son. Dated Feb. 12, 1461, at *Westminster*. Rymer, Tom. X.

† *Pere D'Orleans Hist. de Revol. d'Ang.* Tom. II. p. 218. Ed. Paris.

King Henry VI. 'no other Hurt but to me and mine, I thought myself
 ' well recompensed by the Honour which accrued to the
 ' Nation, in subduing so many great and fine Provinces
 ' to the *English* Sceptre. I little regretted the not being
 ' a King, whilst you had a Monarch who well deserved
 ' to have been one; but at this Time, when a weak,
 ' feeble Heir to that happy Usurpation keeps from me a
 ' Crown, and loses those Conquests which have cost you
 ' so much Blood, I should be unworthy of that of so
 ' many Kings which runs in my Veins, if, to recover
 ' those Conquests, I do not take the Crown. Aid me
 ' with your Assistance to support the Weight, and you
 ' shall partake with me in the Advantage of it.'

[303.]

Our Historian goes on, and tells us, That the Countenances of the House, during the Time the Duke was speaking, and their profound Silence at the End of this Harangue, appeared to that Prince a sure Token that the Crown on *Henry's* Head was not so loose as he imagined. Greatly chagrin'd, he left the House very abruptly; and in a Passion said to them, at his going out, *Think of this Matter.—I have taken my Course, take you yours.*

Debate upon the
 Duke of York's
 Claim to the
 Crown.

While these Things were doing, many hot Disputes passed between the Lords Spiritual and Temporal and the Commons, about the Settlement of the Crown. Some thought it very unreasonable to call King *Henry's* Title in Question, who had been so long in Possession of the Sovereignty; and so much the rather, because the Duke of *York* himself had, in swearing Allegiance to King *Henry* so often, and declaring him his lawful Sovereign, tied up himself from claiming the Crown, if he had any Right to it. But, on the other Side, the Duke of *York's* Friends, which were not a few, argued, That the Duke's Title was so clear, and so well known to them all, that it would be the greatest Injustice in the World to deny him his Right; and tho' King *Henry*, it is true, had been long in the Possession of the Throne, yet his Usurpation being so evident, he ought to be as willing to recede from what he was wrongfully possessed of, as they were in Justice bound to declare him deprived. 'Twas true, they said, the Duke of *York* had often sworn Allegiance to King *Henry*, and taken him for his lawful Sovereign, yet he never renounced his Right, and 'twas plain

plain his Oaths and Promises were out of Fear or Force, King Henry VI. and not willingly ^z.

Another old Historian hath drawn up the Arguments made Use of in Favour of the reigning King and the House of *Lancaster*, in a much better Manner; and says, That though the Effect of the Duke of *York's* Title, as to the Points of Pedigree, was very true, yet the Friends of King *Henry*, without denying what could not be denied, had somewhat to say for him; and, amongst other Things, they alledged ^a, ' That *Richard II.* resigned up ' his Crown and Regality at large; and that none else ' making Claim but *Henry Duke of Lancaster*, he was ' thereunto, by Consent of all the Three Estates, ad- ' mitted. That *Richard Earl of Cambridge* was, for ' High Treason, attainted and executed, and his Issue ' made incapable of any Inheritance; that this *Richard* ' his Son, now challenging the Crown of *England*, be- ' ing restored by the meer Clemency and Goodness of ' this King *Henry VI.* had voluntarily acknowledged ' him for his lawful Sovereign, and sworn the same; ' and that the said *Richard* was finally, for Treason, at- ' tainted and adjudged uninheritable. They alledged ' also several Acts of Parliament made to establish the ' Right of the *Lancastrian* Line; the Succession of three ' *Henries*, that is to say, the Fourth, Fifth, and Sixth; ' the politic Government of the first of those Kings, the ' noble Victories of the second, and the holy Life of the ' third; which three Kings' Lives contained in reigning ' near threescore Years, in which Number this was the ' 39th of *Henry VI.* who was descended from the Uncle; ' and the Duke of *York* but from a Female, of which ' Females none had ever been in Possession of the Crown.'

[304]

These great and weighty Points, adds our Author, were considered, and the rather, because that King *Henry* being at that Time no better than a Prisoner, no Act of his to establish the Title of the House of *York* could be so valid as to disinherit his own Son; who was then at

[305]

VOL. II.

X

Liberty,

^z Whilst this weighty Affair was debating in the Lower House, which was the then Fraternity, as it is called, in the Abbey of *Westminster*, a Crown, which hung for Ornament from the Roof, suddenly fell down; and at the same Time another Crown, placed for the same Purpose on *Dover* Castle, fell likewise. These Omens were vulgarly construed that King *Henry's* Reign was at an End, and that the Crown should be transferred from one Royal Line to another.

^a Speed's Chronicle.

King Henry VI. Liberty, and, with the Queen his Mother, in Arms, ready to free his Father, or hazard the Destruction of the whole *English* Name. To all these Arguments the *Yorkists* objected one Rule of Law, which was, *Jura Sanguinis nullo Jure Civili dirimi possunt*.

However, the Arguments, *pro* and *con*, being thought strong on both Sides, a Medium was hit upon, and thought proper by the Lords, in order to avoid a Dispute less amicable. And, on *All-Saints-Day*, Nov. 1, an Award, or Agreement, was settled between these two Princes, King Henry and Richard Duke of York, under these Articles ^c:

The Lords in Parliament make an Award between the King and the Duke of York.

I. ' That notwithstanding the clear and undisputable Title of Richard Duke of York to the Crown of *England*, as Heir to Lionel Duke of Clarence, the said Duke tenderly desiring the Wealth and Prosperity of this Land, and to lay aside all that may be a Trouble to the same; and considering the long Possession of the said King Henry, who hath all his Time been named, taken, and reputed, for King of *England*, and Lord of *Ireland*, it is consented, and agreed to, that the said King Henry shall be taken and reputed King of *England*, and Lord of *Ireland*, during his natural Life, and the said Duke shall honour him as his Sovereign Lord.

II. ' That the said Richard Duke of York, with his two Sons, Edward Earl of March and Edmund Earl of Rutland, shall promise and bind themselves, by solemn Oaths, neither to do, procure, or suffer any Thing to the Prejudice of the natural Life of King Henry VI. or to the diminishing of his Royal Dignity; but shall withstand, to their utmost Power, any Person that shall attempt it, as God shall help them.

III. ' That Richard Duke of York shall, from thenceforth, be called and reputed the very and rightful Heir to the *English* Crown; and, after the Decease of the said King Henry, the said Duke and his Heirs shall immediately succeed to them.

IV. ' That the said Richard Duke of York shall have, by the Authority of this present Parliament, Castles, Manors, Lands, and Tenements, with their Appurtenances, to the yearly Value of 10,000 Marks, over
' and

^c Sam. Daniel in Kennet, p. 424. Holling. p. 657. Stowe, p. 409.

‘ and above all Charges and Reprizes; of which 5000 King *Henry VI.*
 ‘ Marks shall be for his own Estate, 3000 for the Earl
 ‘ of *March*, and 2000 for the Earl of *Rutland*; yet with
 ‘ such Intents and Considerations as shall be declared by
 ‘ the Lords of the King’s Council.

V. ‘ That if any Person imagine or compass the
 ‘ Death of the said Duke, and thereof be convicted, they
 ‘ shall be adjudged guilty of High Treason.

VI. ‘ That the Lords Spiritual and Temporal, and
 ‘ Commons in Parliament assembled, shall take an Oath
 ‘ to accept, take, worship, and repute the said *Richard*
 ‘ Duke of *York* and his Heirs, as abovesaid, and the said
 ‘ Duke shall protect them in keeping this Agreement.

VII. ‘ That this Accord and Agreement shall be no-
 ‘ tified and published by the King’s Letters Patent, and
 ‘ his Consent and Agreement be openly declared to all
 ‘ and every one of them; and if the said King *Henry*
 ‘ shall break, or go against, any Point of this Accord,
 ‘ then the said Crown and Royal Dignity shall imme-
 ‘ diately devolve and come to the Duke of *York*, if he
 ‘ be alive, or to the next Heir of his Lineage.

VIII. ‘ That all Statutes and Acts of Parliament made
 ‘ in the Time of *Henry IV.* or *V.* to entail the Crown
 ‘ on their Heirs, shall be annulled and repealed.

IX. ‘ That the Duke of *York* shall be Protector of [307]
 ‘ the Realm for the future, and be called Prince of
 ‘ *Wales*, Duke of *Cornwall*, and Earl of *Chester*.’

This Agreement, drawn up in the Form abovesaid,
 was ingrossed, sealed, and sworn unto by both Parties
 on *All-Saints-Day*; and then it was enacted by the
 Parliament, That it be made unalterable on all Hands.
 King *Henry* was observed to be very much pleased with
 this Agreement; not doubtless because he was willing
 his Son should be excluded from the Crown, but be-
 cause he feared more severe Dealings with himself, and
 hoped Time would better provide for his Son; and
 therefore appointed a solemn Procession the same Day,
 to give Thanks to God for this peaceable Settlement of
 Affairs. The King rode to the Cathedral Church of
St. Paul, attended with the Duke of *York*, Earls of
Salisbury and *Warwick*, and many other Lords, with
 his Crown upon his Head, and heard Even-Song, and

King Henry VI. then returned to the Bishop's Palace, where he continued some Time.

The next Day *Richard* Duke of *York* was, by Sound of Trumpet, solemnly proclaimed Heir Apparent to the Crown of *England*, and all his Progeny after him; also Lord-Protector of the Nation during the King's Life ^d.

Remarks there-
on.

[308]

We cannot avoid giving here a Reflection, from a much later Historian, on this Crisis of *English* History, as remarkable as any is to be found in that celebrated Writer. After a very short Abstract of the Articles, he adds, 'That ^e very likely this Agreement did not come up to the Duke of *York*'s Expectation: He was contented, however, because he perceived it would be very difficult to obtain more without open Force. It cannot be denied that he behaved with a Moderation very uncommon in such Cases: In his present Circumstances, and according to the Rule generally followed by Parliaments, to declare for the strongest, nothing was more easy for the Duke than to cause the Crown to be adjudged to him immediately. He had at his Command a victorious, and at that Time irresistible, Army: Besides, most of the Members of Parliament were in his Interest; and probably, after acknowledging his Title to be indisputable, they would not have wanted much Sollicitation to proceed one Step farther, and place him on the Throne. It is therefore manifest, if the Parliament shewed any Regard for *Henry*, it was because they thought themselves at Liberty to use this Equity, notwithstanding the victorious Army which might have offered them Violence, if the Duke would have made Use of his Advantages. It must be farther observed, that the Duke of *York* was older than the King, and therefore naturally could not expect to outlive him; and yet those who have writ the History of these Troubles have put an ill Construction upon all they have said concerning this Prince; the Reason may be easily guessed.' The House of *York* enjoying the Throne but twenty-four Years, we have no Historian in that Interval; all we have being later, and written since the Restoration of the House of *Lancaster* in the Person of King *Henry* VII. This must be always remembered in reading the History of these Civil Wars.

But,

^d *Fabian's Chron.* Anno 1461.

^e *Rapin's History of England*, Folio Edit. p. 385.

But, to put the last Hand to this Affair, the Duke of King *Henry VI.* *York* was very desirous that the Queen and her Son should also be present to ratify the Treaty. The King wrote to them both to come up, but he soon found the Spirit of that fierce Princess otherways disposed than his own: In short, she absolutely refused to obey; and having an Army with her of 18,000 Men, with the Dukes of *Somerset* and *Exeter*, the Earls of *Wiltshire* and *Devonshire*, the Lord *Clifford*, and a considerable Party of the Northern Nobility, she hoped to manage better for their common Interest than her Husband had done.

The Duke of *York* being apprized of the Queen's Resolution, and the Preparations she had made to preserve the Crown to her Son, marched down his Forces into the North; and, leaving King *Henry* to the Care of the Earl of *Warwick* and the Duke of *Norfolk*, advanced, with the Earl of *Salisbury*, as far as *Wakefield*. He had given Orders to his Son, the Earl of *March*, to follow and join him with what Forces he could raise; and, till their Arrival, secured himself and his small Army in the Castle of *Sandal*, near the Town aforesaid. The Queen well knew that she had no Time to lose, and therefore came herself in Person, at the Head of her Army, to attack the Duke before his Son could come to his Assistance. The Duke was scarce 5000 strong; but his great Courage was the Occasion of his Ruin, for scorning to be cooped up in a Castle by a Woman, contrary to the Advice of the Earl of *Salisbury* and other old Officers, he ventured to give her Battle; where, being overpowered by Numbers, he bravely fell, and his small Army were cut in Pieces. With him was slain also the Earl of *Salisbury*, with many more of Note; but none is so remarkable as the Death of the young Earl of *Rutland*, scarce twelve Years old, who was butcher'd by the Lord *Clifford* after the Battle was over, because he had the Misfortune to be Son to the Duke of *York*. [309]
Another Army raised by the Queen.

The Duke of York, and many others slain;

The Heroine *Margaret* was much elated at this Victory, and the Death of her greatest Enemy: She first ordered his Head to be struck off, crowned with Paper in Derision, and, with the Heads of the Earl of *Salisbury* and others, set on one of the Gates of *York*; then marched Southward with her victorious Army to deliver her Husband; and, in a new Parliament, to get the late

King Henry VI.

[310]

But his Son Edward proves victorious, and is proclaim'd King.

Accommodation with the House of *York* annulled and set aside. For some Time longer Fortune was her Friend; she defeated the Earl of *Warwick* near *St. Alban's*, retook the King, and marched for *London* with her Forces, in order to complete her Design. But hearing that the young Earl of *March*, now Duke of *York*, had beaten the Earl of *Pembroke* in *Wales*, and was marching towards her, joined with the Earl of *Warwick* and his scatter'd Troops, she changed her Rout and went Northward, not having any Confidence, in Case of a Battle, in the *Londoners*, or her Southern Subjects. *Edward*, being informed of this, marched directly for the Capital, where he was joyfully received; and having assembled all the Bishops and Lords that were in Town, along with the principal Citizens, like *Alexander*, he cut the Knot at one Stroke, which his Father had so long been endeavouring to unloose. In short, in that Assembly he claimed the Crown, first by an undoubted hereditary Right, and next by an Infraction of the seventh Article in the Accord made between *Henry* and his Father in the last Parliament, which the said *Henry* had broke. The Affair was pushed so warmly, that he was, upon the Spot, declared King, by the Name of *Edward IV.* *March* 4, 1461, being then just twenty Years of Age. The next Day he made a solemn Procession through the City, first to *St. Paul's*, and next to *Westminster* Abbey, and was proclaimed King by the Title aforesaid, with the usual Ceremonies.

EDWARD

EDWARD having thus obtained the Title of King, *K. Edward IV. Vi & Armis*, as it were, had yet much to do to get Possession of the Crown; for the heroic *Margaret* was still at the Head of an Army, composed of all the Forces belonging to the *Red-Rose* Party, fighting for a King who had been long recognized as such, and which had been twice victorious in, what was then call'd, the Royal Cause. *Edward*, therefore, had no Time to lose; he knew very well that he had no other Way to secure *London*, but to leave it immediately, and march towards *York*. The Queen was then in that City, and hearing of his Approach, she sent out her Army, commanded by the Duke of *Somerset*, the Earl of *Northumberland*, and the Lord *Clifford*, to meet him. Some Advantage was gained by these Generals at first, by the Surprize of the important Post of *Ferrybridge*; but the *Yorkists* having quickly regained it, they marched over the River *Ayre*, and met the Bulk of the Queen's Army drawn up in Order of Battle, in the Fields near a Village called *Towton*, about two Miles South-West of *Tadcaster*. The fatal Battle of Towton.

It is not to our Purpose to enter into the Particulars of this bloody Engagement; the greatest and most obstinate that, to this Day, was ever fought in this Island. It is sufficient to say that *Edward* was victorious, after the Slaughter of above 36,000 *Englishmen* on both Sides, who then fell by each other's Swords. King *Henry*, his Queen, and Son, fled into *Scotland*; and *Edward* marched into *York*, where he soon took down the Heads of his Father, the Earl of *Salisbury*, and others, which had been put over one of the City-Gates; and placed in their Room the Heads of some of the most mortal Enemies of his House, who were taken or slain in the Battle.

Edward staid some Time at *York*, to fix the Northern Provinces more fully in his Interest; and, leaving every Thing quiet in those Countries, he returned to *London*, and was solemnly crowned soon after at *Westminster*, with the usual Ceremonies. Then, to settle all other Matters of State on the most lasting Foundation, he summoned a Parliament, by Writs dated at *Westminster*, A Parliament call'd. *May 23*, to meet at the same Place on the 6th Day of *July* following: But because the King of *Scots* was entered into *England* with an Army, in Favour of King *Henry*,

K. Edward IV. Henry, Edward and his Council thought proper to postpone the Meeting of the Parliament; and, by other Writs, dated July 26, the same Peers were summoned to appear at *Westminster* on the 4th Day of *November* following^f. The former Writ of Summons, directed to *Thomas* & Archbishop of *Canterbury*, is in the usual Stile with the rest of the Bishops, Abbots, and Priors, as well as the Temporal Lords; but the Names of the latter, in this first Parliament after so great a Revolution, may not be unacceptable to a curious Inquirer.

The KING to his dearly-beloved Cousin,

The Names of
the Peers.

[313]

<i>John Duke of Norfolk,</i>	<i>John Lord Stourton, of</i>
<i>Richard Earl of Warwick</i>	<i>Stourton,</i>
<i>and Sarum,</i>	<i>William Bouchier, Lord</i>
<i>John Earl of Oxford,</i>	<i>Fitz-Waryn,</i>
<i>William Earl of Arundele,</i>	<i>Henry Bromflete, Lord Vcs-</i>
<i>Ralph Earl of Westmore-</i>	<i>sey,</i>
<i>land,</i>	<i>Ralph Lord Boteler, of</i>
<i>Henry Viscount Bouchier,</i>	<i>Sudley,</i>
<i>Edmund Lord Grey, of Ru-</i>	<i>Thomas Lord Gray, of</i>
<i>thin,</i>	<i>Rugemond,</i>
<i>James Lord Berkeley,</i>	<i>John Lord Sutton, of Dud-</i>
<i>George Lord Latimer,</i>	<i>ley,</i>
<i>Ralph Lord Graystock,</i>	<i>William Fynes, Lord Say,</i>
<i>William Lord Bottreaux,</i>	<i>Richard Fynes, Lord Dacre,</i>
<i>John Lord Beauchamp,</i>	<i>William Nevile, Lord Fau-</i>
<i>John Lord Audley,</i>	<i>conberg,</i>
<i>Thomas Lord Scroope, of</i>	<i>John Bouchier, Lord Bar-</i>
<i>Masham,</i>	<i>ners,</i>
<i>John Lord Clinton,</i>	<i>Richard Welles, Lord Wil-</i>
<i>John Lord Lovel,</i>	<i>loughby,</i>
<i>Edward Nevil, Lord Ber-</i>	<i>Sir Henry Fitz-Hugh,</i>
<i>gavenny,</i>	<i>Sir Henry Grey,</i>
<i>Edward Brook, Lord Cob-</i>	<i>Sir Richard West,</i>
<i>ham,</i>	<i>Sir Thomas Stanley,</i>
<i>Reginald Lord Gray, of</i>	<i>Sir John Nevile, Lord Mon-</i>
<i>Wilton,</i>	<i>tacute.</i>

Besides these Lords, &c. other Writs were directed to summon the twelve Judges there named, and, in the Writs

^f Dugdale's *Summons to Parliament*, Anno 1 Edward IV. W. Prynn, the Publisher of *Cotton's Abridgement*, has made sad Mistakes in the Dates of these two Writs.

& Bouchier. *Le Neve's Fasti Ecc. Ang.*

Writs for altering the Time from *July* to *November*, K. Edward IV. seven are called to sit in the House of Peers^h.

The Parliament met at the Time and Place last appointed; when, in the Presence of the King sitting on the Throne, and of the Lords and Commons, Georgeⁱ Bishop of *Exeter* declared the Cause of the Summons in a notable Oration, taking for his Theme *Bonas facite Vias vestras & Studia vestra*. After which he ordered the Commons to chuse, and the next Day to present, their Speaker.

Anno Regni I.
1461.

At Westminster.

The Clerks of Parliament about this Time frequently omit a Transcript of the Lord-Chancellor's Oration, and only say, *Collocatione per prefatum Cancellarium notabiliter facta & completa, idem Cancellarius, &c.* By which we lose, no doubt, a good deal of curious History; for though some of these Speeches are meer Sermons, yet there are others of them, as the Reader may have observed in the Course of this Work, which convey the Reasons of State for calling of Parliaments from Year to Year, and cannot but be very interesting to this Subject; as, without Question, what this Chancellor declared, at this critical Time, must have been the same.

The Receivers and Triers of Petitions for *England, Ireland, Wales, and Scotland*, with *Gascoigny* and the Isles, being, according to antient Custom, appointed, on the third Day of their Sitting the Commons presented to the King Sir *James Strangewaies*, Knight, to be their Speaker; whose Excuse being rejected, he, with the common Protestation, was allowed.

Sir JAMES
STRANGE-
WAIES chosen
Speaker.

Though we are left short in the Lord-Chancellor's Speech at the Opening of this Parliament, yet we are not so in one made to the King by this new Speaker of the Commons; for we find, on *Record*, that, on the 12th Day of *November*, or the 8th of this Session, Sir *James Strangewaies*, at the Head of the Commons, came before the King and Lords, and there spoke, or read, the Declaration following; which, for the Singularity of it, having never met with such an Affair before, we give in its own Diction and Orthography.

Moost

^h Cum Prelatis, Magnatibus, & Proceribus dicti Regni Colloquium habere & Traſatum. Summonitiones ad Parliamenta, 1 Edward IV.

ⁱ George Nevile, Brother to the famous Earl of *Warwick*, afterwards Archbishop of *York*. *Le Neve's Faſti, &c.*

K. Edward IV. Moost Christen Kyng^{}, right high and myghty Prynce,
and our aller moost drede Soverayne, and naturall
Liege Lord.*

His Speech to
the King in Par-
liament.

WE your humble and true Subgetts, the Com-
myns of this your noble Reame, comyn to
this your high Courte of Parlement by your high Com-
mandement, have as grete Cause to calle, and calle
to the Tenderneſſe of our Mynde, as ever had People
lyvyng under eny Christen Prynce, the honorable and
noble Devoir that it hath pleased your Highneſſe to
put the ſame in of pryncely and knyghtly Proweſſe and
Corage for the Redempcion of your ſeid Reame and
Subgetts from the Perſecucion and Tyrannye of your
and theire grete and infaciablen Ennemytees.

For the *fiſt*; where, incontynent after the pitouſe
and dolorouſe Deth of that noble and famous Prynce,
and our right honorable Lord, of worthy Memorie,
your Fader the Duc of *York*, very and rightful Heire,
and, in Right, Kyng of the ſaid Reame, the Erles of
Pembroke, and *Wiltſhire* gadering and accompaynyng
towarde theym a grete Nombre of Men of guerrable
Array, to have removed out of the Marches of *Wales*
into the North Parties, to have there aſſiſted *Marga-
rete*, late called Quene of *England*, hir Son *Edward*,
the Ducs of *Exceſtre* and *Somerſet*, and other Lordes,
purpoſyng to have proceded to the Deſtruction of your
ſeid Reame and Subgetts, it pleased your high Mageſte,
though all the Sorrowe and Lamentation for the Deth
of the ſeid noble and famous Prynce was not a little
in your noble and naturall Remembrance, to adjoine
your moost noble Perſone, of knyghtly Corage, accord-
yng to the Nature of your high Birth, and the tender
Zeale and naturall Love that your ſeid Highneſſe bare
unto the Defence and Tuitioun of your ſeid Reame and
Subgetts, and to the Reſiſtence of the maliciouſe En-
tent and Purpoſe of the ſeid Erles, and to procede of
pryncely Proweſſe agenſt theym in Bataille; uppon
whom it pleased Almighty God to graunt unto your
ſeid Mageſte the Hande of Victorie, chaſyng uppon
theym untill they were dryven of Drede of your ſeid
Nobley

^{*} Rot. Parl. 1 *Edward IV.* No. 7.

‘ Nobley into the Consynes and Corners of your Lord-K. *Edward IV.*
 ‘ ship of *Wales*, to the grete and grounded Joye and
 ‘ Consolacion of your seid Reame and Subgetts.

‘ For the *secunde*; where the grete Laboure and
 ‘ Payne that it pleased your good Grace to take in that
 ‘ noble and worshypfull Journey asked, after that of
 ‘ Reason, natural Rest and Ease of Refreshment; yit
 ‘ natheless at suche Tyme as the seid *Margarete, Ed-*
 ‘ *ward* hir Son, and Dukes and other Lordes aboveseid,
 ‘ commyng from the North Parties of your seid Reame,
 ‘ destroying and spoilyng the same in their Commyng,
 ‘ neither sparyng Godd’s Chirch, the Violacion there-
 ‘ of, his Ministers of the same, ravyshyng and defoul-
 ‘ ynge religious Wemmen, Maydens, Wydowes, and
 ‘ Mennes Wyfes; theyding, in Manner of Tyrannye,
 ‘ immense Blode, entendyng to the synall and extreme
 ‘ Destruction and Subversion of your seid Reame, ap-
 ‘ peryng experiently by their cruell Violence; it please
 ‘ your Magnificence, of the Plenteth of Tenderneffe
 ‘ that ye bare to your seid naturall Subgetts, to forget
 ‘ and leye away the Weryneffe that grew by the seid
 ‘ Laboure in the seid Felde, and the Ease that Reason
 ‘ wold ye shuld have used conveniently therby, and
 ‘ with all Celerite advaunced your seid moost noble Per-
 ‘ sone to your Cite of *London*, for the Socour, Relief, and
 ‘ Joy therof, and the Redemption of the seid Reame.

‘ For the *third*; where, at your commyng to your
 ‘ seid Cite, it pleased your noble and benigne Grace, of
 ‘ the Plenteth of Tenderneffe that it pleased unto the
 ‘ same to bare of naturall Love unto your seid Subgetts,
 ‘ havyng their Defence and Suertee in herty and piteous
 ‘ Affection, and their lamentable Exclamation therof in
 ‘ the Nyhneffe of your gracious Benyvolence to take
 ‘ uppon you, to the Pleasure of Godd, and the infinite
 ‘ and assured Joy of all your seid Subgetts, the Reigne
 ‘ and Governance of the seid Reame, wherunto ye be
 ‘ right wisely and naturally borne; and, with all reson-
 ‘ able convenient Haste, to remove from thens toward
 ‘ the seid North Parties, arreyng, armyng, and ledyng
 ‘ your Batailles, lyke a victorious Prynce, for the Defence
 ‘ and Salvacion of your seid Reame and Subgetts agenst
 ‘ your Adversarie *Henry*, late called Kyng *Henry* the
 ‘ Sixt; and his Power not oonly of your Rebelles, but
 ‘ also

K. Edward IV. also of *Scotts and Frenshmen*, your Ennemyes, whome
 ‘ he sturred and retheyned to assist hym, arrayed and
 ‘ armed, agenst your seid Mageste; the which not spa-
 ‘ ryng for any Jopardie, Perill, or Aventure, joyning
 ‘ your moost noble Persone to the seid Defense and Sal-
 ‘ vacion knyghtly of pryncely Corage recountred the
 ‘ seid Power of your seid Adversarye in your Shire of
 ‘ *York*, on *Palme-Sunday* last past, where Bataille was
 ‘ geven and made agenst your seid Magnificence, wher-
 ‘ unto therin it pleased Almighty God to send to you
 ‘ his Grace of Eviccion and the Hand of Victorie agenst
 ‘ your seid Adversarie, Ennemyes, and Rebelles; whome,
 ‘ without any longer Rest within your seid Reame, the
 ‘ Drede of your mighty Power, and of the Renowne of
 ‘ your knyghtly and pryncely Prowesse, drove and cha-
 ‘ sed out of your seid Reame into the Parties of *Scot-*
 ‘ *land*.

‘ Moost Christen Kyng, right high and myghty
 ‘ Prynce, and our aller moost drede and naturall Sove-
 ‘ rayne and Liege Lord, the noble and condigne Me-
 ‘ rites, pryncely and knyghtly Corage, in the grete and
 ‘ victoriouse Acts afore rehearsed, the Beaute of Person-
 ‘ age that it hath pleased Almighty God to send you, the
 ‘ Wyfdome that, of his Grace, is annexed therunto,
 ‘ and the blessed and noble Disposition and Application
 ‘ of your seid Highnesse to the commyn Wele and Po-
 ‘ licie of your seid Reame, and to Godd’s Chirch of the
 ‘ same, calleth upon us to give therfor as herty and en-
 ‘ tier Lovyng to Godd as we can; and with all Hum-
 ‘ blenesse possible thanke your good and benigne Grace
 ‘ shewed to our seid Redempcion and Salvacion in Man-
 ‘ ner and Fourme afore declared. And sith that our
 ‘ Lord, of his infinite Myght, hath called your seid high
 ‘ and nobley to reigne uppon us your humble Subgetts,
 ‘ according to your naturall Birth, to our grettest Joye
 ‘ and Consolacion erthly, and hath geven unto you the
 ‘ Victorie of your seid Ennemyes, we havynge our singu-
 ‘ ler Felecitee and Suertee in that concerneth the persitte
 ‘ Suertee of your moost noble Persone, and the long
 ‘ Contynnance of your Reigne uppon us, and as desirouse
 ‘ as eny Christen Subgetts to know and understand the
 ‘ Doubte, Perills, and Inconvenience of the contrarie to
 ‘ be removed, biseche, as lowly as we suffice, your Ma-
 ‘ geste

* geſte Roiall to have and take ſuch Perſones as have, of *K. Edward IV.*
 * approved Experience, adjoynd their Bodyes and Lyves
 * to this Recoveree of your ancyeſ Title and Right of
 * your ſeid Reame of *England*, and to the entreteinyng
 * thereof againſt your ſeid Adverſaries and Ennemyes, in
 * ſuch Favour, Truſt, and Affection of your ſeid good
 * Grace, as accord with their condigne and approved
 * Merites; and other Perſones in ſuch wiſe and prudent
 * Truſt and Affection as accord with the aſſured Pro-
 * ſperite of your high Eſtate above all erthly Thinges,
 * deſired of all as your true Subgetts.

* And that, as in the Time of the uſurped Reigne of
 * your ſeid Adverſarie *Henry*, late called King *Henry*
 * the Sixt, Extorcion, Murdre, Rape, Effuſion of inno-
 * cent Blode, Ryot, and Unrightwiſneſſe were commynly
 * uſed in your ſeid Reame, without Punicion, we held
 * for certeyne and undoubted, that it wol pleaſe your ſeid
 * good Grace to preferre all Thyng that may ſerve to the
 * ſeid commyn Wele, to the Exercife of Juſtice and
 * Rightwiſneſſe, and to puniſh the grete and horrible
 * Offendours, Extortionours, and Riotours, and have
 * Pite, Compaſſion, and Mercy uppon the Innocents to
 * Godd's Pleaſure; to whome we beſech to contynne and
 * proſper your noble Reigne longe uppon us your true
 * and lowly Subgetts, in Honour, Joye, and Felicite.'

The next Thing we find that was done in this Par-
 liament, was to read a long Declaration of the King's
 Title to the Crown; containing, in Effect, what his
 Father had delivered to Parliament the 39th of the laſt
 Reign. To which was added a Recapitulation of the
 tyrannous Reign of *Henry IV.* with his heinous mur-
 dering of King *Richard II.* &c.

[314]

After this an Act was paſſed, by the general Conſent
 of both Houſes of Parliament, That King *Edward IV.*
 was, and is, undoubted King of *England*, from the 4th
 Day of *March* then laſt paſt, when all the Eſtates yielded
 themſelves obeiſant Subjects to the ſaid *Edward IV.* and
 his Heirs for ever; affirming the Reign of *Henry IV.* to
 have been an Intruſion and Uſurpation. It was alſo en-
 acted, That King *Edward IV.* was ſeized of the Crown
 and Profits of the Realm of *England*, from the ſaid 4th
 Day of *March*, in ſuch Sort as King *Richard II.* enjoyed
 the

The Reign of
Henry IV. decla-
 red to have been
 an Uſurpation;
 and his Family
 diſinherited.

K. Edward IV. the same in the 23d Year of his Reign. In which Act are many Provisoos, and one general Provision for all Men's Rights, except those who claim by Grants from *Henry IV.* *Henry V.* and *Henry VI.* ¹. The said *Henry of Derby*, otherwise called *Henry IV.* and the Heirs of his Body coming, are, by this Act, utterly disabled to enjoy any Inheritance, Estate, or Profits within this Realm or Dominions of the same for ever. And thus, says an Historian, it is remarkable that the Law in this, and in the Attainder that follow'd, reach'd *Henry*, even under the Shelter of a King *de Facto* ^m.

[315]

Then a whole Recital of the Concord, or Agreement, made between *Henry VI.* and *Richard Duke of York*, Anno 39 *Henry VI.* was read, and the Breach of it, by sundry Means, was declared. By which Breach it was also declared, That King *Edward IV.* was discharged from the said Concord, and that no Article of it should bind him, as King, to that Agreement.

[316]

Attainders without Number,

Next follows a long Bill of Attainder of divers Persons, for the Death of *Richard Duke of York* and others; particularly *Henry VI.* *Margaret* late Queen of *England*, *Edward* called Prince of *Wales*, *Henry* late Duke of *Somerset*, and *Henry* late Earl of *Northumberland*. Reciting, that *William Lord Boneville*, and Sir *Thomas Kyriel*, Knights of the Garter, and Sir *William Gower*, Knt. Standard-Bearer to *Richard Duke of York*, were, against Law, beheaded and murdered.

Another Bill of Attainder was pass'd against *Thomas Courtney*, late Earl of *Devonshire*, *Thomas Lord Roos*, *John* late Lord *Nevile*, *Baldwyn Fulforth*, *Alex. Hodie*, *Nicholas Latimer*, *James Lutterel*, *Edmund Mountfort*, *Thomas Fyndern*, *Henry Lewis*, *John Heron of Ford*, *Richard Tunstall*, *Henry Bellingham*, and *Robert Whittingham*,

¹ The Act of Parliament, which is very long, bears this Title amongst the Statutes at large, viz. *Which Acts, done by King Henry IV. V. and VI. or by others, during their Reigns, shall continue good, and which not*, cap. i. The Preamble runs thus: 'For the eschewing of Ambiguities, Doubts, and Diversities of Opinions, which may rise, ensue, and be taken of and upon Judicial Acts, and upon Exemplifications of the same made or had in the Time or Times of *Henry IV.* *Henry V.* his Son, and *Henry VI.* his Son, or any of them, late Kings of *England* successively, in Deed and not of Right, &c.'

There is only another Act in the Statute-Books made this Parliament, which was, That Justices of Peace may award Process upon Indictments taken in a Sheriff's Tourn, Anno 1 *Edward IV.* cap. ii.

^m Collier's Ecclesiastical History, Book VII. p. 679.

tingham, Knights; *Andrew Trollop*, late of *Guysnes*, Esq; *K. Edward IV.* with many other Esquires, Gentlemen, and Yeomen, there named, for being at the Death of the Duke of *York* at *Wakefield*, the 30th Day of *December* last past. And

Henry Duke of Exeter, *William Viscount Beaumont*, *John* late Lord *Clyfford*, *Leonard Lord Welles*, *Thomas Grey*, late Lord *Rougemont*, *Randolf* late Lord *Dacre*, *Humphrey Dacre*, *Philip Wentworth*, *William Rawkesley*, *Edmund Hampden*, *Thomas Findrey*, *John Courtney*, *John Ormond*, alias *Botler*, *William Milley*, *Simon Haynes*, *William Holland*, called the Bastard of *Exeter*, *Thomas Ormond*, alias *Botler*, *Thomas Everingham*, *Henry Roos* of *Rockingham*, with several other Esquires, Gentlemen, Yeomen, and Priests, were attainted for being against King *Edward IV.* the 29th of *March* last, being *Palm-Sunday*, in the Fields called *Saxton Fields*, and *Towton Fields*, in the County of *York*.

[317]

King *Henry VI.* Queen *Margaret*, Prince *Edward*, and some others, there named, are attainted for delivering up the Town of *Berwick* to *James King of Scots*, on the Feast of *St. John the Evangelist* last past: Likewise for practising to deliver up the Castle and City of *Carlisle* to the *Scots*. And the last-named Persons, with *Jasper Earl of Pembroke*, *James Earl of Wilts*, *Robert Lord Hungerford*, with certain Priests and Friars, were also attainted, for procuring foreign Princes to invade the King and Realm.

Henry VI. with certain Persons afore-named, *John Fortescue*, *William Talbois*, and other Esquires, Gentlemen, Priests, and Friars, were attainted for being in the Field against King *Edward IV.* in the Bishopric of *Durham*, the 18th Day of *June* last past. And the Duke of *Exeter* afore said, *Jasper Earl of Pembroke*, and others, were attainted for raising War against the King at *Tutehill*, near *Carnarvon*, in *Wales*, on *Friday* next after the Feast of *St. Edward* last past.

The Attainder and Forfeiture of all and singular the Hereditaments of the afore said *Henry VI.* and namely of all the Land belonging to the Duchy of *Lancaster*; that the said King *Edward IV.* shall hold the said Duchy and County Palatine of *Lancaster*, to him and to his Heirs Kings of *England*, with all Offices and Liberties to the same belonging, separate from the Crown; and that the

[318]

Tenants

K. Edward IV. Tenants of the said Duchy do enjoy all their Liberties, in such wise as when *Henry VI.* held the same on the 3d Day of *March* last.

And Restitutions. After passing all these Bills of Attainder and Forfeitures, the Parliament went upon Acts of Restitution; and the whole Process of Judgment, as well by Parliament as otherwise, against *Richard* Earl of *Cambridge*, and several others, was utterly made void and repealed. The like Judgment in Parliament against *John Montague*, late Earl of *Salisbury*, and *Thomas* Lord *Despenser*, was made void; and *Richard* Earl of *Warwick*, and *Ann* his Wife, the Daughter of *Isabel*, Daughter and Heir to the said *Thomas*, in Right of the said *Ann*, was restored to all the Hereditaments of the said *Thomas*. Also *Alice* Countess of *Salisbury*, Daughter to *Thomas Montague*, late Earl of *Salisbury*, Son of the said *John*, was restored to all the Hereditaments of the said *John*. Lastly, *Thomas Lumley*, Knt. Son to *Ralph Lumley*, Knt. was also restored to all the Hereditaments of the said *Ralph*, and the Judgment against him made void.

These were all, or most of, the Acts and Ordinances which passed this Parliament. At the Close of the Session, on the 21st Day of *December*, the King came to the House, and, sending for the Commons after they had given their Assent to the Attainder Bills and the rest, addressed himself to them as follows ⁿ:

JAMES STRANGEWAIES, and ye that be commyn for Common of this my Lond.

King Edward's
Speech to his
first Parliament.

[319] **F**OR the true Hertes and tender Consideracions that ye have had to my Right and Title, that y and my Ancestres have had unto the Coronne of this Reame, the which from us have bene long Time withelde; and now, thanked be Almyghty God, of whos Grace groweth all Victory, by your true Hertes and grete Assistens, y am restored unto That that is my Right and Title, wherefore y thanke you as hertely as y can. Also for the tender and true Hertes that ye have shewed unto me, in that ye have tenderly had in Remembraunce the Correccion of the horrible Murdre and cruel Deth of my Lord my Fader, my Brother Rutland, and my Cosyn of *Salisbury*, and other, y thanke you right hertely,

ⁿ Ex Ore suo proprio taliter est allocatus. Rot. Parl. 1 Edward IV. No. 38.

hertely, and y shall be unto you, with the Grace of Al-R. Edward IV
mighty God, as good and gracious Sovereign Lord as ever
was eny of my Noble Progenitours to their Subgettes and
Liegemen: And for the feithfull and lovyng Hertes, and
also the grete Labours that ye have borne and susteyned to-
wards me, in the recouering of my said Right and Title
which y now possesse, y thanke you with all my Herte, and
if y had eny better Good to reward you withall then my
Body ye shuld have it, the which shall alwey be redy for
your Defence, never sparing nor letting for noo Jeopardie;
praying you all of youre herty Assystens and good Contyn-
uance, as y shall be unto you youre veray rightwisse and
lovyng liege Lord.

After the King had ended his plain, but honest, Speech,
the Record tells us that the Lord-Chancellor stood up and
declared, That since the whole Busines of this Parlia-
ment was not yet concluded, and the approaching Festival
of *Christmas* would obstruct it, he therefore, by the King's
Command, prorogued the Parliament to the 6th of *May*
next ensuing. At the same Time he told them, the King
had put out a Proclamation against giving of Liveries and
Badges, contrary to Law, also against Maintenances,
Robberies, and Murders; all, and every of which, the
Bishops, Lords, and Commons there present, promised to
obey, and to see observed throughout the Kingdom.

[320]

These were the Transactions of this first Parliament
called by this King, as they stand on Record; and of
which few or none of our Historians have taken any
Notice. The History of *Croyland*, indeed, near con-
temporary with these Times, observes, ' That *Edward*
' having gained the last Victory near *Tadcaster*, kept his
' *Easter* at *York* with great Splendour; and having set-
' tled all Things to his Mind, for the Preservation of
' the North, he returned to *London*, where he was soon
' after crowned at *Westminster*: That in a Parliament,
' called immediately after, almost every Act of State,
' that had been done by three preceding Kings, was
' resumed or annulled: That all the Coin of the King-
' dom, both in Gold and Silver, was changed and new
' struck, that, at length, the very Name of *Henry* might
' be blotted out: That, by the Act aforesaid, two Char-
' ters of Possessions and Liberties granted to their Abbey
VOL. II. Y by

K. Edward IV. ' by King Henry V. and VI. were rendered absolutely
' invalid : And that, in those Days, the Kingdom was
' reduced to Obedience, for which Mercy, granted from
' Heaven against its Enemies, Thanksgiving to Almigh-
' ty God was rendered by every one °.

Mr. *Habington*, in his Life of King *Edward IV.* says,
That at his Coronation, being seated in the most per-
spicuous Place of the Great Hall at *Westminster*, he
himself made an open Declaration of his double Title to
the Crown : ' First, by Descent, as before mentioned ;
' and next, by Authority of Parliament ; which, upon
' Examination of the late Duke of *York's* Title, conferr'd
' the Possession of the Kingdom immediately on him or
' his Heirs, when *Henry VI.* should make Forfeiture of
' it by Death, Resignation, or Breach of that Accord
' sworn there so solemnly between them : And that this
' Accord was broken, the Slaughter of the said Duke,
' oppressed with unequal Numbers of *Henry's* Party, at
' the Battle of *Wakefield*, did but too sadly manifest.
' Nevertheless, he protested he would forego the Justice
' of his Claim, rather than enter upon it without their
' free Vote. At which, unanimously, the Assembly cried
' out, *King Edward, King Edward* ; joyful that their
' Voices might confirm him King, who had deigned
' them so humble a Compliment, as to profess that he
' would not receive the Title without their Suffrage.' In another Place, the same Author makes this Remark,
' That perhaps this Ceremony did then appear needful,
' in regard the same Voices had vowed Obedience to
' another : Otherwise, whosoever shall alledge that the
' Suffrage of the Multitude is necessary to confirm a
' Prince, destroys the Right of Succession, and in That
' the Monarchy, which so long and triumphantly hath
' ruled this Nation.' — But to return to the further
Proceedings of this Parliament.

He distributes the
forfeited Estates
amongst his own
Friends.

At the Close of this Parliament, Historians tell us,
that *Edward* bestowed great Largeſſes to his Friends,
out of the Estates forfeited by his Enemies °. Nor were

Ho-

° Pacatum est igitur Regnum Diebus istis, et pro concessio cœlitus de Inimicis Triumpho, universi Populi Gratiarum Actiones reddiderunt omnipotenti Deo. Hist. Croyland Continuatio. Ed. Gal. p. 533.

P — qui, ut est in veteri Verbo, laborantem Agricola oportet primum de Fructibus percipere, primum omnium de Sententia et Auctoritate Concilii, suis Militibus bene meritis Agros illorum, qui Henrici Partes sequebantur, distribuit, &c. Poly. Verg. Hist. Ang. p. 513.

Honours and Titles wanting to particular Persons, whom *K. Edward IV.* either Proximity of Blood or Merit had rendered dear to him. His two remaining Brothers, *George* and *Richard*, he created Dukes; the former of *Clarence*, the other of *Gloucester*. *John* Lord *Neville*, Brother to the Earl of *Warwick*, he made Viscount *Montacute*, afterwards Marquis of *Montacute*. *Henry* *Bourchier*, Brother to the Archbishop of *Canterbury*, was created Earl of *Essex*, and *William* Lord *Fauconberg*, Earl of *Kent*: He raised several others to the Title of Barons, and honoured many with Knighthood. Punishments succeeded to Rewards; for *John* Earl of *Oxford*, *Aubrey de Vere*, his Son, Sir *John* *Tiddenham*, Knight, *William* *Tirel* and *Walter* *Montgomery*, Esqrs. were, without any Trial, attainted and convicted of Treason, and heheaded on *Tower-Hill*¹.

[321]

Though the great Earl of *Warwick* is not mentioned here as receiving any higher Titles and Rewards, yet a contemporary Historian² assures us, that he was not without an ample Share of the latter. He had several Manors and Lordships bestowed upon him by the King; some out of Crown Lands, and others that were confiscated. He was constituted Governor of *Calais*, and had other great Offices; so that our Author has himself heard that he received annually, in Pensions and these Kind of Profits, 80,000 *l.* besides his own Inheritance. All these enabled him to spend the most in Hospitality that ever any Subject did before him; of which our older Chronicles give some strong and familiar Instances. But an unwarrantable Defection afterwards from the Family who had bestowed these Gratuities upon him, lost this great Man his whole Income, and his Life into the Bargain.

Some new Commotions happening about this Time, prevented King *Edward* from meeting this last Parliament at the Time of the Prorogation; therefore it is entered on the Roll, That, on the 6th of *May*, in the second Year of his Reign, because the King could not attend there, *Thomas* Archbishop of *Canterbury*, by the King's Letters Patent, dissolved the said Parliament. *Dugdale* has given us a Summons to a Parliament

[322]

Y 2

at

¹ *Hall's Chronicle*, Anno 1461. *Habington* in *Kenna*, p. 433.

² *Les Memoires de Phil. de Commines*, Livre III. chap. iv.

K. Edward IV. at York, to be held the 5th Day of February, An. 2 Edward IV. and another the same Year to Westminster the 29th of April; but no Notice is taken, in that Author, of any other Parliament till the 6th of this King.

However the Records give us the Proceedings of a Parliament summoned by Writs, dated February 28, Anno Regni 3. 1463. to meet at Westminster the 29th of April, Anno 3 Edward IV. When and where being all met as usual, At Westminster. George Bishop of Exeter, then Lord-Chancellor, declared the Cause of the Summons in a Speech upon this Subject, *Quia judicatis Terram diligitis Jusitiam*; but this is again omitted in the Record; only, in the Close, he directed the Commons to chuse a Speaker; and, on JOHN SAY, Esq; the third Day of the Session, they presented John Say, chosen Speaker. Esq; who was accepted.

The only Transaction of this first Session of Parliament was, to grant the King an Aid of 37,000*l.* to be levied on the Lands, Tenements, Goods and Chattels, in the Counties, Cities, and Towns, according to a Rate there expressed. And, on the 17th Day of June, in the Presence of the King, Lords, and Commons, the Chancellor, by his Majesty's Command, gave Thanks to the Commons for the Subsidy granted; and because the Scots had entered England and joined with his Rebel Subjects, which required the King's going in Person against them, he prorogued the Parliament from the same Day unto the 4th of November next at Westminster.

On the said 4th Day of November, Thomas Archbishop of Canterbury, the King's Kinsman, by his Letters Patent, held and continued the Parliament; and the same Day the Chancellor told them that the King, out of his meer Grace, released unto the Commons 6000*l.* Parcel of the Grant aforesaid; whereupon it was enacted that 31,000*l.* shall be levied in Manner of a Fifteenth, and be called by that Name. And then the Chancellor, in the King's Name, and as his Lieutenant, adjourned the said Parliament from that Day to the [323] 20th of February ensuing, at York.

Adjourned to York.

At which Time and Place being again assembled, William Bishop of Lincoln^s, by Command of William Arch-

* It is only *W. Lincoln Episc.* in the Record. Here must be some Mistake, for there was no William or Walter Bishop of Lincoln, according to *Le Neve's Fasti*, at that Time. John Chedworth was then Bishop, and died so, Anno 1471.

Archbishop of *York*^t, the King's Commissioner, by Letters Patent, held the said Parliament, and adjourned it over from the said Day to the first Day of *May* next ensuing, at *York* as aforesaid. The Reason for this last Adjournment is said to be, Because that some Conspiracies and Rebellions being raised against the King in *Gloucestershire*, he was obliged to go in Person to suppress them.

R. Edward IV

On the first of *May* the Lords and Commons were again assembled, in the great Hall, within the Palace of the Archbishop at *York*. The King's Letters Patent were read, constituting and appointing *Richard* Earl of *Warwick* and the Earl of *Salisbury* his Commissioners to hold and continue the said Parliament, from the said first Day of *May* to the 25th Day of *November* following; and upon reading thereof the Abbot of *Fountain's*, by Commission under the Privy Seal, adjourned the same accordingly. The Cause of which last Adjournment is assigned to be, That the King was busily employed in the more Northern Parts, for the suppressing of Rebels, and in Defence of the Kingdom against a foreign Invasion.

Anno Regni 4

1464

At York,

On the 26th of *November*, at the same Place as before, the Parliament once more met; when the same Commissioners were appointed to hold and prorogue the said Parliament from that Day to the 26th of *January* next ensuing, at *Westminster*, and the Abbot of *St. Mary's* in *York*, by the King's Appointment, prorogued the same accordingly.

These Interruptions and distant Adjournments were occasioned by the Unsteadiness of the Times: *Edward*, though in Possession of the Crown, yet it was not so firmly fixed on his Head, but his Enemy *Margaret* found Means to shake it. Some Aids she had from *France*; but they were discomfited on their Landing in the North, by the Bastard *Ogle*. However, by giving up *Berwick*, and some other Fortresses on the Borders, to the *Scots*, she got some Forces in that Country, and, marching into *Northumberland* with them, took the Castle of *Bamburgh*, and passed forward to the Bishop-

[324]

Y 3

ric

^t This was *William Bothe*, who died the next Year, Anno 1464, and was succeeded by *George Nevile*, Brother to the Earl of *Warwick*. *Le Neve's Fasti Ecclesie Ang.*

K. Edward IV. ric of *Durham*, her Army daily increasing: But they were met with, and defeated at *Hegeley-Moor*, by King Edward; and another Army, which was following with King Henry, underwent the same Fate at *Hexham*, in *Northumberland*; Henry himself, with much Difficulty, escaping. Shortly after which, this unfortunate Prince came into *England* in Disguise; but, being betrayed, was apprehended at *Waddington-Hall*, in *Lancashire*, as he sat at Dinner^u; from whence he was conveyed to *London*, with his Feet bound to the Stirrups, where he was arrested by the Earl of *Warwick*, and committed Prisoner to the Tower.

Edward defeats two Armies raised against him.

King Henry taken Prisoner.

The Parliament meet at *Westminster*, after four Adjournments, and grant Edward a Subsidy for Life.

The 26th of *January* being come, the Parliament met at *Westminster*, according to the last Prorogation. And now we find that they had Time to do Business; and the very first Act they went upon was to grant a Supply to the King; which was done too in a very effectual and unusual Manner: For the Commons, with the Assent of the Bishops and Lords, granted to the King, during his Life, the Subsidies following; First.

‘Tonnage and Poundage of every *English* Merchant according to the old Rate. For every Sack of Wooll, 33 s. 4 d. For every 240 Wooll-fells, 33 s. 4 d. For every Last of Hides, 3 l. 6 s. 8 d. Of every Merchant Stranger, whether made Denizens or not, for every Sack of Wooll, 3 l. 6 s. 8 d. For every Last of Hides, 3 l. 13 s. 4 d. For every 240 Wooll-fells, 3 l. 6 s. 8 d. with a Proviso only made, That the Town of *Calais*, and the Soldiers in Garrison there, may be victualled and paid with Part of the said Subsidies, according to a Rate there stated.’

It was also ordained, ‘That the Treasurer of *Calais* be obliged, under a Penalty, to account yearly in the Exchequer; and that he may dispose of all the Offices under him, in the Town or Marches of *Calais*, to whom he pleases, to hold the same at the King’s Will.’

The Government and Staple of *Calais* having been often mentioned in the Course of these Inquiries, it will not

^u The antient Family of *Pudsey*, still resident at this Place, keep a Pair of Shamois Stockings, a Pair of Gloves, and some other Reliëts of this King, which he left there when he was taken.

not be amiss, in this Place, to give some Account of it ^{K. Edward IV.} out of the Memoirs of *Philip de Commynes*. That Author tells us, 'That this was the richest Jewel in the English Crown, and the most profitable Government in Christendom, if not in the whole World: That he was there several Times, during the Differences between the Houses of York and Lancaster, and was told by the chief Officer of the Staple for Cloth, that he would willingly farm the Government of the Town at fifteen thousand Crowns *per Annum*; for the Governor of Calais receives all Profits on that Side of the Sea, has the Benefit of Convoys, and the entire Disposal and Management of the Garrison *.'

The Staple of Calais accounted for.

And, in another Place, the same Author tells us, 'That it is almost incredible what prodigious Return for their Woolls the Merchants make twice every Year from that Place.'—But to proceed.

Next came on, in this Session, the Attainders of several more Persons of Quality, and others, who were slain or taken in the late Battles; particularly *Henry Beaufort*, late Duke of *Somerset*, was attainted for raising War against the King, and joining with *Henry VI.* at the Battle of *Hexham*, in the County of *Northumberland*, on the 8th Day of *May* last past.

[326]

Sir Ralph Percy, Knight, was also attainted for delivering up the King's Castles of *Bamburgh* and *Dunstanburgh* to *Henry*, and for raising War against the King at the Battle at *Hegeley-Moor*, in *Northumberland*, on the Day of the Feast of *St. Mark* last past.

Sir Humphrey Nevile, *Sir Henry Bellingham*, *Sir Thomas Philips*, Knights, many other Esquires, Gentlemen and Yeomen, were likewise attainted for taking Part with *Henry* at *Bamburgh*.

More Attainders against Henry's Followers.

Edmund Beaufort and *John Beaufort*, Brothers to the said Duke of *Somerset*, *Sir William Carie*, alias *Caree*, Knight, and others, were also attainted for adhering to

Mar-

* *Les Memoires de Phil. de Commynes, Livre iii. chap. iv. & chap. vi.*

y This *Sir Ralph Percy* is celebrated by all, or most, of our English Historians, for dying bravely at this Battle, and with these Words in his Mouth. *I have saved the Bird in my Breast*; meaning the Oath that he had sworn to King *Henry*. But, by the Bill of Attainder, it seems to appear that he had been guilty of much Treachery, in delivering up two Castles, which he had been entrusted with the Keeping of by King *Edward*. And *Hall*, in his *Chronicle*, confirms this, by saying, That he forgot that he had before abandoned King *Henry* in his utmost Necessity, and submitted himself to King *Edward*. Fol. cxi.

K. Edward IV. *Margaret*, late Queen of England. Some more of lesser Note are mentioned; and to all the above-named Persons, as the Record speaks, the King had granted Pardon, in the first Year of his Reign. And it was enacted; That the Attainders of the said Duke of Somerset, *Humphrey Nevile*, *Ralph Peircy*, *Henry Bellingham*, and others, made *Anno Regni* 1. shall stand; and that the Restitutions to them made shall be void. A Proclamation also was ordered to be issued out against several Knights, Gentlemen, and others, by Name, who had escaped from the Battles, *That, if they did not yield themselves to the King's Mercy by such a Day, they should stand attainted of High Treason, and incur the Pains of the same* ².

An Act of Resumption.

[327]

Then an Act of Resumption was passed, whereby the King took into his Hands all Manner of Hereditaments belonging to the Crown, the Principality of *Wales*, the Duchies of *Cornwall* and *Lancaster*, and the Earldom of *Chester*, from the Feast of the Purification of our Lady last before, in such Manner as he had, or ought to have had, on the 4th Day of *March*, in the first Year of his Reign; any Letters Patent, or Grants, to the contrary notwithstanding. And that all Grants, Leases, &c. made by the King, before the said Feast, of any Hereditaments belonging to his Duchy of *York*, or Earldom of *March*, be also void; but with many Provisoes.

The last Act of this Parliament, that we think proper to mention, is, That whereas the Sum of 32,831 *l*, was due to the Mayor and Company of the Merchants of the Staple of *Calais*, the King, by the Authority of Parliament, in order to content them, and discharge that Debt, assigned them a Power to take a yearly Rate out of the Subsidy on Wooll untill full Payment be made,

There were several Statutes made, in this and the preceding Sessions of this long Parliament, for the Encouragement of the Woollen Manufactory, and Trade in general; which the Reader, if he pleases, may find in the Statute-Books, it being needless here to take any further Notice of them. One Act or two, however, deserves Mention, which was to restrain the excessive Vanity then used in Dress or Apparel, and to encourage the

Sumptuary
Laws.

the wearing of Home Manufactures; which Vanity, K. Edward IV notwithstanding the Destruction and Misery the Civil Wars had occasioned, was grown to a very great Height. One Thing, in particular, was the extravagant Way the People then had got of adorning their Feet. They wore the Beaks, or Pikes, of their Shoes so long, that it incumbered them in their Walking, and they were forced to tie them up to their Knees. The Gentlemen did it with Chains of Silver, or Silver gilt; and those who could not afford to be at that Charge, with Silk Laces. This ridiculous Fashion had been in some Measure used, ever since *Richard* the Second's Time; but these enormous Pikes were now, by Act of Parliament, curtailed to two Inches, under a Penalty both to the Shoemaker and the Wearer ^a.

[328]

We are told likewise, during one of these Sessions of Parliament, a Convocation met at *London*, in which the Clergy very willingly gave a Tenth to the Crown, in Acknowledgment for an extensive Charter lately granted them. And here, a Complaint being made of the Violation of Sanctuaries, the utmost Censures of the Church were decreed against those who should drag any Persons out of Churches or other privileged Places, and carry them to Prison. There was also a Constitution passed for the Regulation of the Clergy's Habits ^b.

After the Dissolution of the last Parliament we meet with no other Summons for three Years; during which Time *Edward's* Affairs were again thrown into a very precarious Situation. The Earl of *Warwick*, his greatest Friend, had been disgraced in an Embassy to the *French* King, to conclude a Marriage between the King of *England* and his Sister, whilst *Edward* was actually consummating one at home with a Widow Lady, and one of his own Subjects ^c. The Earl, from a fast Friend, became, on this, *Edward's* bitterest Enemy; and, returning to *England*, had the good Fortune, by Surprise, to take King *Edward* Prisoner, and sent him, as such, to his Castle of *Middleham* in *Yorkshire*. Here, being

Edward marries the Lady Gray.

^a See *Statutes at Large*, An. 4 *Edward IV.* cap. vii.

^b *Collier's Eccles. Hist.* Vol. I. p. 680.

^c The Lady *Elizabeth Gray*, the Relict of Sir *John Gray*, slain at the Battle of *St. Alban's*, on King *Henry's* Side. She had been a Maid of Honour to Queen *Margaret*, and was herself crowned Queen of *England*, May 26, 1465.

K. Edward IV. being slenderly guarded, the King found Means to make his Escape, and soon after drove the Earl of *Warwick*, with the King's Brother, *George Duke of Clarence*, who had also deserted his Interest, out of the Kingdom. But returning soon after with Forces lent them by the *French King*, they reduced *Edward* to such an Extremity, that he, in his Turn, was forced to fly the Kingdom; and *Henry*, being released from a long Confinement, was once more seated on the Throne.

[329]

But in an Interval of these Commotions, and various Turns of Fortune, we find that a Parliament was summoned by King *Edward* in the Year 1467, by Writs dated at *Westminster* the 28th of *February*, to meet at the same Place on the 3d Day of *June* following^b. *George Duke of Clarence*, and *Richard Earl of Warwick* and *Sarum*, are here both summoned as usual.

Anno Regni 7.
1467.

At Westminster.

Sir JOHN SAY
chosen Speaker.

In the Presence of the King, sitting on the Throne, in the Painted-Chamber of the Palace of *Westminster*, and of the Lords and Commons, *William Bishop of Lincoln*^c, in the Absence of *George Archbishop of York*, Chancellor of *England*, by the King's Command, declared the Cause of the Summons; after which he ordered the Commons to chuse their Speaker, and present him as usual. Accordingly Sir *John Say*, Knight, was presented, and accepted by the King.

After which the King, with his own Mouth, made the following Oration to the Commons:

John Say, and ye, Sirs, comyn to this my Court of Parliament for the Comon of this my Lond.

Edward's Speech
to the Parlia-
ment.

THE Cause why y have cald and summoned this my present Parlement is, that y purpose to live upon my nowne, and not to charge my Subjects but in great and urgent Causes, concerning more the Weale of themselves, and also the Defence of them and of this my Realme, rather than mine owne Pleasure, as heretofore by Comons of this Lond hath been done, and borne unto my Progenitours in Time of Need; wherein y trust that yee, Sirs, and all the Comons of this my Lond, will be as tender and kinde unto

[330]

^b Dugdale places this Summons in the 6th of *Edward IV.*

^c So again in the *Record*, which makes us think there is some Mistake in *Le Neve's Fasti* rather than in this great Authority.

unto me in such Cases as heretofore any Commons have *K. Edward IV.*
 been to any of my Progenitours : And for the Good-will,
 Kindness, and true Hearts that yee have borne, continued,
 and shewed to me at all Times heretofore, y thanke you as
 hertily as y can ; also y trust yee will continue in Time
 coming ; for which, by the Grace of God, y shall be to
 you as good and gracious a King, and reign as rightwisly
 upon you as ever did any of my Progenitours upon Comons
 of this my Realme in Dayes past ; and shall also, in Time
 of Need, apply my Person for the Weale and Defence of
 you, and of this my Realme, not sparing my Body nor Life
 for any Jeopardy that might happen the same ^d.

An Act of Resumption was passed, the same in Effect
 as the last Parliament ; also another that the King should
 for ever enjoy all such Hereditaments as *Richard* late
 Duke of *York* possessed on the 30th Day of *December* ^e,
Anno 39 *Henry VI.* any Grant to the contrary notwith-
 standing : But this with a vast Multitude of Provisoës.

In Consideration of 33,000*l.* due by the King to
 the Mayor and Company of Staplers at *Calais*, the
 King, for eight Years and a Half, granted unto the
 same Mayor all and singular the Customs and Subsidies
 on Goods going out of the said Port, and all his Revenues
 in *Calais* and the Marches of the same, for the said Term ;
 they allowing yearly a certain Sum for the Soldiers'
 Wages and Maintenance of the Works. This by Let-
 ters Patent.

Richard Welles, Lord *Willoughby* ^f, Son and Heir of
Leonard Welles, Lord *Willoughby*, was restored in Blood
 to the said Lord *Leonard*, and to all his Hereditaments,
 notwithstanding the Attainder made against the said
Leonard, *Anno* 1 *Edward IV.* As was also Sir *Thomas*
Tresham, Knight, and his Attainder made void.

These were most of the Transactions of the first Ses-
 sion of this Parliament ; for, on the 5th Day of *July*,
Robert ^g Bishop of *Bath* and *Wells*, then Chancellor, in
 the

^d From the Parliament-Roll, 7 *Edward IV.*—This Speech is quoted
 by Sir *Henry Telverton*, in his *Argument concerning Impositions*, 7 *Jac. I.*
 as an Acknowledgment on the Part of the King that he had no Right to
 impose at his own Will, and that the Subject had a certain and distinct
 Property from that which was his own.

^e The Day he was slain at the Battle of *Wakefield*.

^f Slain at the Battle of *Tewton*.

^g *Robert Stillington*, *Le Neve's Fasti*, &c.

K. Edward IV. the Presence of the King, Lords, and Commons, first answered certain Petitions from the Lower House, and then thanked them, in the King's Name, for the Statute of Resumption; assuring them, that the King had provided for *Calais*; had taken the like Care for *Ireland* and *Wales*; and further, that his Majesty desired there might be a due Execution of the Laws. After which, by the King's Command, he prorogued the Parliament from the same Day and Place to the 6th of *November* next ensuing at *Reading*. And from thence the said Chancellor again prorogued this Parliament, by the King's Command, from the said 6th of *November* to the 6th of *May*, at *Reading* aforesaid. But they did not sit at that Place; for the Chancellor, at their next Meeting, adjourned them from the 6th of *May* to the 12th of the same Month at *Westminster*.

After several
Prorogations, at
last prorogued to
Westminster.

These frequent Prorogations were owing to the Unquietness of the Times, which were far from being settled as yet; but, at this last Adjournment, the Parliament sat to do Business, and, besides passing several beneficial Acts for the further Encouragement of the Woollen Manufactures, &c. some Subsidies were granted, which will be seen in their proper Place. Five Days after this Meeting, the King sent for the Commons into the House of Lords; when the Chancellor, by his Command, spoke to the whole Body to this Effect:

‘ First, he began with Justice, and instanced the good Effects of the same. He next declared, That the Three Estates comprehended the Government of this Land; the Preheminence whereof was due to the King, as Chief; the second to the Bishops and Lords; and the third to the Commons.

‘ He then put them in Mind in what poor Estate the King found the Crown; despoiled of the due Inheritance; wasted in its Treasures; the Laws wrecked; and the whole, by the Usurpation, in a Manner subverted: Add to this, the Loss of the Crown of *France*, Duchies of *Normandy*, *Gascoigny*, and *Guienne*, the antient Patrimony of the Crown of *England*, lost also; and further, he found it involved in a War with *Denmark*, *Spain*, *Scotland*, *Britanny*, and other Parts, and even with their old Enemy of *France*.

‘ Then

‘ Then descending he told them, That the King had ^{K. Edward IV.}
‘ appeased all Tumults within the Realm, and planted
‘ such inward Peace, that Law and Justice might be
‘ extended : That the King had made Peace with
‘ *Scotland* : That the Lord *Winters* was negotiating a
‘ League with *Spain* and *Denmark*, so as to open a free
‘ Commerce with those Countries : But what was still
‘ the greatest, he had allied himself to the Dukes of
‘ *Burgundy* and *Britanny*, two most powerful Princes,
‘ in such Sort as they had given the King the strongest
‘ Assurance of acting vigorously against *France*, for the
‘ recovering of that Kingdom, and other the King’s
‘ Patrimonies ; of which, since they made little Doubt,
‘ the King thought proper not to omit such an Oppor-
‘ tunity, and such a one as never happened before. And
‘ that his Majesty might see this Kingdom as glorious
‘ as any of his Predecessors ever did, he was ready to ad-
‘ venture his own Person in so just a Cause. Lastly, He
‘ told them, That the King had called this Parliament
‘ to make them acquainted with these Matters, and to
‘ desire their Advice and Assistance ^{h.}’

The Answer the Commons made to this pithy Har-
rangue was, immediately to grant a large Subsidy of
two whole Fifteenths and two whole Tenths, to be le-
vied on the Laity. Reserving only 12,000*l.* to be de-
ducted out of it for the Relief of poor decayed Townsⁱ.

A Subsidy

The Senate having thus liberally contributed to the
Supplies of the State, the next Thing they went upon
was to confirm, by their Authority, the King’s Letters
Patent granted to his new Queen *Elizabeth*, for esta-
blishing her Dower : That the Part of the said Dower,
assigned to her by Letters Patent under the Seal of the
Duchy of *Lancaster*, should be valid ; tho’ there be no
Livery and Seisin of the same ; and that the Queen might
personally plead and be impleaded in her own Name ;
to which are added the Names of the several Manors
and other Hereditaments, assigned to her Majesty, in
the Duchy of *Lancaster*, and elsewhere, under the Great
Seal ; which were all confirmed by Parliament.

[333]

In Consideration of the Sum of 10,000*l.* paid in Part
of a greater Sum, due by the King to *Charles Duke of Bur-*

^h Rot. Parl. & *Edw.* IV. N^o. 24. ⁱ *Ibid.* N^o. 30.

K. Edward IV. *Burgundy*^k, on the Marriage between the said Duke and the Princess *Margaret*, the King's Sister, by the Mayor and Company of the Staple of *Calais*; the King, by Letters Patent, granted that they should be repaid out of the Subsidy on Woolls; which Letters Patent were, by common Assent, confirmed.

Many good Laws were made this Parliament for the Encouragement of the Woollen Manufactories, &c. as is before mentioned; but we refer the Reader to the Statute-Books for more Information about them. One Thing in the *Abridgement of the Records* is remarkable enough, 'That a Bill was brought in this Parliament, 'whereby all such as should rob any Church of any Pax, 'Cope, Granel, Mass-Book, or any other Trinket, ' (whereof, says *William Prynne*, the whole Rabble is 'named) shall be deemed a Traitor, and be burnt for 'the same; and that all such Persons shall be deprived 'of the Benefit of their Clergy; that an Appeal for Re- 'stitution may also lie, and that all Justices of Peace 'may inquire of the same.' The Publisher remarks, That, by the Preamble to these Motions, it seems that this Bill was made against the *Lollards*; but the King's Answer to it was only, *Le Roi s'avisera*.

[334]

Edward forced
to leave the
Kingdom.

King Henry VI.
restored.

The Civil Wars which had been carried on so long, and with such Fury by both Parties, were not yet at an End; for, soon after the Dissolution of this Parliament, *Edward* was obliged, for his own Safety, to leave the Kingdom. This happened in the Year 1470; and, in the Month of *October* this Year, the Earl of *Warwick* released King *Henry* from his Imprisonment, and he was once more restored to the *English* Crown. However, we find that Writs of Summons went out in King *Edward's* Name, dated at *Westminster*, *August* 10, [9 *Edward* IV.] for a Parliament to meet at *York* on the 22d of *September* following: But a Stop was put to this Meeting by other Writs, dated *September* 7, the same Year; and the Reason of the Prohibition is given in the Body of the Instrument to be, Because the King was certainly informed that Rebels, Enemies at home, and Foreign Enemies, both from *France* and *Scotland*, had entered

^k This *Charles*, then Duke of *Burgundy*, was very nearly related to the House of *Lancaster*; for *Philippa*, Daughter to *John* Duke of *Lancaster*, was married to *John* King of *Portugal*, by whom she had *Isabella*, Mother to this *Charles*.

entered this Kingdom in a hostile Manner, and with King Henry VI. armed Force had actually invaded it, &c.¹

Historians^k inform us, That, after the great Earl of Warwick had raised King Henry from a Prison to a Throne, (from whence he was called *The Setter-up and Puller-down of Kings*) a Parliament was called to meet at *Westminster*, Nov. 26, 1470, wherein nothing was denied which the prevailing Party thought fit to authorize: For here King Edward was declared a Traitor to his Country, an Usurper of the Crown, and had all his Goods confiscated. The like Judgment passed against his Brother Richard Duke of Gloucester, and all his Adherents; of whom John Tiptoft, Earl of Worcester, Lord High-Constable of England, and Lord-Deputy of Ireland, was beheaded. All the Statutes made by King Edward were revoked; all the Attainders against the Earls of Oxford, Pembroke, and many others, reversed; the Crowns of England and France entailed on King Henry and his Heirs Male; and, for Want of such, unto George Duke of Clarence and his Male Issue, and he was declared immediate Heir to his Father Richard Duke of York. Lastly, The Earl of Warwick was made Protector of the Kingdom, and Clarence, his Son-in-Law, joined in Commission with him.

Anno Regni 8.
1470.

At Westminster.

Edward declared
to be an Usurper,
&c.

[335]

An Historian of some Eminence^l is very smart in his Remarks on the Act to entail the Crown in the Manner aforesaid; by which, he says, the Earl of Warwick shewed not only the Extent, but the Insolency, of his Greatness; as if, adds he, the Title of the Kingdom appertained to them who were nearest in Alliance to him, not next in Blood to the Crown. This Author goes on and writes, ‘ For, if the Justice of Lancaster’s Claim had the Preheminence for Want of Issue in King Henry, why should not the Sovereignty fall to the Duke of Somerset? Or, if that Line was crooked in respect of Bastardy, why not to the House of Portugal, without any

Remarks on this
new Settlement,

¹ — Quod, certitudinaliter informamur, Rebelles, Inimici, et Adversarii nostri, Regnorum Franciæ et Scotiæ, Regnum nostrum Angliæ hostiliter ingredi et invadere proponunt, Vi armata, &c. Dugdale’s Summons to Parliament, p. 466.

The Abridgement of the Records hath given us the Names of the Peers summoned to this Parliament.

^k Hall’s Chron. Fol. ccxi. Grafton’s, p. 691; and Habington in Kennet, p. 446.

^l Habington, ut supra.

King Henry VI. ‘ any Blemish, descending from *John of Gaunt*? Or, if
 ‘ the House of *York* had the better Title, why was *George*
 ‘ Duke of *Clarence* then set down but second in the En-
 ‘ tail? Or, if the Right was in *Warwick* himself, (for his
 ‘ Power ordered and disordered all) why was the King-
 ‘ dom to descend first of all to the younger Daughter?
 ‘ But preposterous Ambition never knew how to give an
 ‘ Account to Reason.’

[336]

It would be unpardonable also to omit the Reflections
 of M. *Rapin de Thoyras*, on the Conduct of this Parlia-
 ment; since this, and several more such, we have quoted
 from that Author, evidently shew that he was no Friend
 to Parliamentary Proceedings. He writes, ‘ That the
 ‘ contrary Resolutions of Parliaments, in regard to the
 ‘ Quarrel between the Houses of *York* and *Lancaster*,
 ‘ clearly shew that these Assemblies acted not with Free-
 ‘ dom, but were swayed by the Events which happened
 ‘ before their Deliberations. It is in vain to urge, there-
 ‘ fore, the Authority of Parliaments in Support of the
 ‘ Rights of either House. Their Determinations are,
 ‘ properly, of no Force; since they had not the Liberty
 ‘ to judge according to their Understanding, unless it is
 ‘ said that their Understanding directed them always to
 ‘ side with the strongest.’ And, upon the Act to entail
 the Crown, in Default of Heir Male from *Henry*, on the
 Duke of *Clarence*, &c. Our Author goes on and says,
 ‘ That here would be a large Field to expatiate on the
 ‘ unlimited Authority of Parliament, if this Statute had
 ‘ been made with Freedom, and after mature Delibera-
 ‘ tion. But it is easy to see the little Freedom there was
 ‘ in this Parliament, if it is considered that this Act was
 ‘ only a bare Confirmation of the Earl of *Warwick*’s En-
 ‘ gagements. Moreover, out of pure Condescension for
 ‘ the Earl, or rather by his Direction, and contrary to
 ‘ the Laws and Customs of the Realm, it was not scrup-
 ‘ pled to deprive the Daughters of the House of *Lancaster*
 ‘ of a Right enjoyed by the Princesses of the Royal Fa-
 ‘ mily ever since the *Norman* Conquest. Thus, adds he,
 ‘ by a hasty Resolution, was established in *England* a
 ‘ Kind of *Salic* Law, which the *English* had so much
 ‘ censured and derided, when *Edward III.* and *Philip*
 ‘ *de Valois* were contending for the Crown of *France*.
 ‘ And, besides, this Parliament manifestly supposed
 ‘ *Henry*’s

Henry's Inability, and considered him only as the Shadow of a King, by constituting the Duke of *Clarence* and the Earl of *Warwick* Joint Governors of the Kingdom.' King Henry VI.

What we can pick up else, relating to the Proceedings of this Parliament, is from an old Chronicle ^m, which [337] informs us that it began at *Westminster* at the Time aforesaid, and from thence was adjourned to St. *Paul's* Church, *London*, where it continued till *Christmas*: That an Alderman of the said City, called Sir *Thomas Cook*, who had been tried for Treason, *Anno* 7 *Edward* IV. and acquitted; but, for Misprision, had been imprisoned, severely fined, and otherways ill used, now exhibited a Bill of Complaint, in the House of Commons, against the Lord *Rivers* and others, who had been the Occasion of his Troubles. He petitioned the House that he might be repaid his Loss and Damage out of the said Lord's Estate, to the Value of 22,000 Marks. It is likely, adds our Historian, that it would have been granted to him, if King *Henry's* Affairs had prospered; for this Sir *Thomas Cook* was a Member of the House of Commons, a good Speaker, of great Boldness and Vivacity of Wit. But he had better have been quiet, for he smarted much worse for it afterwards.

We have been more careful to collect what Historians have left us concerning the Proceedings of this Parliament, since there is not one Word of all this Matter on Record. Probably, if these Proceedings were entered on the Rolls, *Edward*, who soon after was restored, caused them to be erased and abrogated. *Dugdale*, indeed, hath given us the Summons to this Parliament, the Date of which is *Anno* 49 *Henry* VI. [9 & 10 *Regis Edward* IV.] wherein the first Writ to the Peers is directed to *Henry's* most dear Cousin, *George* Duke of *Clarence*, who had then revolted from his own Family; but there is no Mention at all of it in the Records themselves.

However, this Dream of Regal Power in *Henry* lasted but a small Time ⁿ, for the Fugitive *Edward* having gained some Aids from his Brother-in-Law, the Duke [338]

VOL. II.

Z

of

^m *Fabian's Chron.* Fol. 219.

ⁿ The Acts of State which are in *Fæd. Ang.* make it appear by their Dates, that *Henry's* reinstated Regal Power lasted only from about *Oct.* 9 to *March* 27. Several of which Acts are said to be done *Auctoritate Parliamenti.* *Rymer's Fæd. Ang.* Tom. XI.

King Henry VI. of *Burgundy*, and being promised more in *England*, landed at *Ravenzburg*, in *Yorkshire*. At his first Arrival he seemed to lay aside his Claim to the Crown, pretending only to his Rights as Duke of *York*; but, having

Edward returns. possessed himself of that City, and got his Friends about him, he soon threw off that Mask, and, marching forward with a now-powerful Army, was met and joined by his Brother the Duke of *Clarence*, with a very considerable Reinforcement.

**The Battle of
Barnet.**

**Henry again ta-
ken Prisoner,
and Edward re-
stored.**

**Another Battle
at Tewksbury.**

Henry's Death.

Edward, being now strong enough to cope with his Enemy the Earl of *Warwick*, marched on directly for *London*, and at his Approach the Citizens opened their Gates to him. The Earl of *Warwick* was not there, but peaceable *Henry* fell once more into his Enemies' Hands. The Earl, however, was advancing towards *London* with a powerful Army, against whom the warlike *Edward* opposed himself; and at *Barnet*, their Armies meeting, a dreadful Battle ensued; where, at first, *Warwick's* good Fortune in War gave him great Hopes of a complete Victory; but, by a fatal Mistake amongst his own Men, the Day was changed, and *Edward* was victorious, with the Death of the Earl of *Warwick*, and the Marquis of *Montacute*, his Brother; 10,000 more *Englishmen* falling, on both Sides, at that Battle.

In a few Weeks after this another Battle was fought at *Tewksbury*, between King *Edward* and the martial Queen *Margaret*, where the Heroine was also defeated; her Son, Prince *Edward*, made a Prisoner, and destroyed; all the Nobility and Gentry with her taken or slain, and her whole Army cut to Pieces. This Victory was soon after followed by the Death of the pious *Henry*, said to have been murdered in the Tower by the Hands of *Richard* Duke of *Gloucester*, King *Edward's* Brother. And thus dying, as it were, the like Death as King *Richard*, proves that Scripture Maxim true, *That God visits the Sins of the Fathers on the Children, even unto the third and fourth Generation.*

The grim King of Terrors having thus satiated himself with the Blood of so many Princes and common Men, a while laid down his deadly Scythe, and *England* enjoyed a profound State of Tranquillity. But it was not till the Year 1472, and the 12th of this King, that we meet with any more Parliaments; when Writs

of

of Summons were issued out, dated at *Westminster* the K. Edward IV, 9th Day of *August*, for a Parliament to meet at the same Place on the 6th of *October* following. A List of the Peers, at the End of the late destructive Civil War, may not be improper in this Place ^c.

The King to his most dear Brother George Duke of Clarence, &c.

Richard Duke of Gloucester,	John Lord Howard,	The State of the Peerage at Ed- ward's Restora- tion.
John Duke of Norfolk,	Richard Lord West,	
John Duke of Suffolk,	Walter Devereux, Ld. Fer- rers,	
William Earl of Arundele,	Richard Lord Scrope, of [34 ^o] Bolton,	
Henry Earl of Essex,	Ralph Boteler, Lord Sud- ley,	
Edmund Earl of Kent,	Thomas Lord Lumley,	
Ralph Earl of Westmore- land,	Thomas Lord Stanley,	
Henry Earl of Northumber- land,	Richard Fenys, Lord Da- cre,	
Anthony Earl Ryvers,	John Broke, Lord Cobham,	
John Earl of Shrewsbury,	Walter Blount, Ld. Mount- joy,	
John Earl of Wiltshire,	William Lord Stourton,	
Ralph Lord Greystock,	John Bourghchier, Lord Berners,	
Thomas Lord Scrope, of Masham,	Fulk Bourghchier, Lord Fitz-Waryn,	
John Lord Beauchamp,	John Sutton, Lord Dud- ley,	
John Lord Audley,	William Lord Hastings,	
Edward Nevile, Lord Ber- gavenny,	William Lord Berkeley,	
Reginald Lord Grey, of Wilton,	John Lord Dynham,	
John Lord Strange,		
Henry Lord Grey,		

Ten Judges by Name are also summoned.

This Parliament being assembled, as aforesaid, be-
fore the King in the Painted Chamber at *Westminster*,
Z 2 the

Anno Regni 12.
1472.
A; Westminster.

^c We find, in the *Public Acts*, that *Edward* assembled as many of the Lords Spiritual and Temporal as were in or near *London*, in the Parliament Chamber at *Westminster*, July 3, Anno 1471. At this Meeting a formal Oath was proposed to them, to swear Fealty to his Son Prince *Edward*, as his Heir Apparent; which was taken and subscribed by the two Archbishops, eight Bishops, and all the Temporal Lords and Knights there present. *Fed. Ang. Tom. XI. p. 714.*

K. Edward IV. the Bishop of *Rochester*^d, (*Robert* Bishop of *Bath* and *Wells*, then Chancellor, being absent by Sickneſs) opened the Cauſe of their Meeting; after which he directed the Commons, as uſual, to chuſe and preſent their Speaker; and *William Allington*, Eſq; was choſen, preſented, and accepted by the King for that Purpoſe.

WILLIAM ALLINGTON, Eſq;
choſen Speaker.

A ſingular Sort
of Tax.

The firſt Thing we find that the Commons went upon was the Supply; and 13,000 Archers were voted, to ſerve the King at their Coſts, for one Year; the ſame to be levied according to the Proportion of a Tenth Part out of all Lands and Tenements. The Lords Spiritual and Temporal did alſo tax themſelves, by Way of Grant unto the King, towards furniſhing the Forces aforeſaid, the tenth Part of one whole Year's Revenue of all and ſingular their Lands and Poſſeſſions.

The Commons then, by a long Proteſtation delivered to the King and Lords, required that the Statutes made againſt Riots, Maintenancies, Oppreſſions, and for regulating Labourers, may be executed. And the ſame Day, viz. *November 30*, the Biſhop of *Rochester*, by the King's Command, returned Thanks to the Commons for their Grant, and prorogued the Parliament from the ſame Day to the 8th of *February* next enſuing, at *Weſtmiſter*.

[341]

Edward creates
his eldeſt Son
Edward, his firſt begotten Son, Prince of *Wales* and
Earl of *Cheſter*,
&c.

At this Seſſion the King's Letters Patent for creating *Edward*, his firſt begotten Son, Prince of *Wales* and Earl of *Cheſter*, were confirmed by Parliament; likewiſe the King's Letters Patent for granting and delivering to the young Prince the Hereditaments and other Appurtenances belonging to the ſaid Principality and to the Duchy of *Cornwall*, were, by the ſame Authority, confirmed. This Prince was then about two Years old, the Queen having been delivered of him, in the Sanctuary at *Weſtmiſter*, whiſt the King was an Exile.

Several Attain-
ders reverſed.

Next follow ſeveral Acts of Mercy in reverſing the Attainders of divers Perſons, amongſt whom Sir *Henry Percie*, Knight, as he is there ſtiled, Son and Heir to *Henry* late Earl of *Northumberland*^e, was reſtored in Blood to the ſaid Earldom, and to all ſuch Hereditaments as came into the King's Hands, *March 2*, Anno

9 Ed-

^d *John Alcock*.

^e Slain at the Battle of *Towton* on the *Lancaſtrian* Side.

Edward IV. and the Attainder made against the said ^{K. Edward IV.} Earl, Anno 1 Edward IV. was made void. The Reader may observe that this Earl was summoned to this very Parliament.

Ralph Nevile, Son and Heir to John late Lord Nevile, Sir Henry Roos, Knight, late Lord Roos, of Hamlake^e; and several more there named, have their Attainders reversed, and are restored to their Honours and Possessions.

We find that this Session continued till the 8th Day of April, Anno 13 Edward IV. when the Commons granted the King one Tenth and one Fifteenth, reserving out of it 6000*l.* to be distributed to certain decayed Towns. And it was ordained that the Money arising from the Tenths given by the Lords in the first Session of this Parliament, be paid into the Hands of the Treasurer of England. Also, in Consideration of 23,000*l.* due by the King to the Mayor and Merchants of the Staple at Calais, the King, by a long Act, granted to them a Fifteenth, in like Manner as in the Parliament of the 7th of Edward IV.

Anno Regni 13:
1473.

A Subsidy.

[342]

An Historian writes, ‘ That, for Relief of the King’s great Necessity, a full Subsidy was granted, (for all his mighty Fortunes served only to reward the Multitude of his Adherents) and, in Recompence of the Subsidy, he granted them a general Pardon. And indeed by that he liberally repaid them; for, by the late Civil Wars, the Lapse into Treason was so universal, that scarce any Estate could be safe, if Licence was given to Informers, the Cormorants of a Commonwealth, who swallow much, but never grow fat; and least of all advance what they most pretend, the King’s Benefit^e’

Several more Persons, by Name, are now restored in Blood to their Lands and Possessions, forfeited by Attainders; amongst whom the principal was Sir Humphrey Dacres, Son of Thomas Dacres, and Brother to Ralph late Lord Dacres, slain at the Battle of Towton^e,

Z 3

who

^e Helmsley in Yorkshire.

^f Sir John Habington in Kennet, p. 459.

^g He was buried in Saxton Church-Yard, where a Grave-Stone was laid over him with this Inscription:

Hic jacet Ranulphus Dominus de Dakre et — Miles, et occisus erat in Bello, Principe Henrico Sexto, Anno Dom. M.CCCC.LXI. xxix Die Martii, videlicet, Dominica Die Palmarum. Cujus Animæ propitiatur Deus, Amen
Drake’s Antiquities of York, Fel. London, 1736, p. 111.

K. Edward IV. who was Son and Heir to the aforefaid *Thomas*; and all the feveral Attainders againſt the ſaid *Ralph* and *Humphrey* were made void. And,

The Parliament again prorogued. On the 8th Day of *April* aforeſaid, the Chancellor, after giving Thanks to the Commons for the Subſidy, by the King's Command, prorogued the Parliament to the 6th of *October* following: But, before they parted, it was agreed and ordained, 'That the King, on any urgent Occaſion which required their Attendance, might call and re-aſſemble the ſaid Parliament, giving only, by Proclamation, twenty Days Notice.'

[343]

L. de Bruges, a
Netherlander,
created Earl of
Wincheſter,

In the firſt Session of this Parliament a Nobleman, called *Lewes de Bruges*, a *Netherlander*, Lord of *Gruuthuſe*, and Prince of *Steinhufe*, came over into *England*, and was received by the King with all Demonſtrations of Friendſhip; and, on the 13th of *October*, in the Houſe of Lords, was created Earl of *Wincheſter*; receiving, with the Title, the antient Arms of *Roger de Quincy*, formerly Earl of the ſame Place, with an Addition of the Arms of *England* in a Canton. The Reaſon of this ſo extraordinary a Favour conferred upon a Stranger, ſays an Hiſtorian, was the great Reſpect this Nobleman ſhewed to *Edward*, when he was forced to fly his Country by the prevailing Power of the Earl of *Warwick*, and ſeek Protection from the Duke of *Burgundy*. This Nobleman, being of that Country, did his utmoſt to comfort the King, then diſtracted by his many Afflictions^h.

A third Session.

At the Time appointed, viz. Oct. 6, this Parliament met again, and continued the Sitting, from Day to Day, to the 13th of *December* following; during which Time ſome more Attainders were reverſed, and a Suit, or Contention at Law, was terminated between the King with the *Engliſh* Merchants of one Side, and the Merchants of the *Hans* Towns in *Germany*, or the *Stilliards*, on the other Party; and a free Intercourſe between theſe Countries and Merchants was ſettled for ever. The King alſo confirmed to the ſaid foreign Merchants, of the *Stilliards*, their old Liberties granted to all foreign Merchants of every Country by Name, by King *Edward I.* but afterwards particularly to theſe Merchants of the *Stilliards*, by King *Edward II.* wherein is to be noted the

^h Habington, ut ſupra, p. 450. Philip de Comines, Liv. III. cap. v.

the Customs they were then rated at, and the King's K. Edward IV. Grant not to raise the same; all which was confirmed by this Parliament ¹.

A new Act of Resumption was also made, whereby [344]
the King took into his Hands all the Hereditaments of the Crown, with the Duchies of *Lancaster* and *York*, A new Act of Resumption. from the Feast of *St. Thomas*, in the Year 1473, and of which the King was seized *March 4, Anno Regni 1*, or what came into the King's Hands since, by Attainder or otherwise; and a special Commission was given to the Chancellor of the Duchy of *Lancaster*, for assuring the Payment of certain of the King's Debts granted out of the said Duchy under the Seal of that Office. In this is a Number of Provisions, particularly one, that the same should not prejudice the Corporation, Union, and Annexation of the Duchy of *Lancaster* and County Palatine, nor the Officers nor Tenants of those Districts. Several Provisions were also made to particular People, by Name, in this Commission; amongst which, says the Abridger, we must not forget one Provision for Mother *Cobb*, Midwife to *Elizabeth*, the King's best-beloved Wife, and Queen of *England*.

On the 13th of *December* the Bishop of *Durham*, then Chancellor of *England*, in the Presence of the King, Lords, and Commons, after giving Thanks, on the King's Behalf and by his Command, to the Three Estates, prorogued this Parliament, once more, to the 20th of *January* next coming, at *Westminster*.

We learn that this Parliament again assembled on the Day aforesaid, and continued to sit till the first of *February*; when the said Bishop of *Durham*, as Chancellor, called the Commons before the King, and told them, The Parliament meet after a third Prorogation, and are again prorogued,
' That they were then assembled to consult which Way
' the King might proceed in the Wars; but because his
' Majesty had yet heard nothing from his Brother the
' Duke of *Burgundy*, relating to that Affair, whereon
' much depended, it was the King's Command that this
' Parliament should be prorogued from the said Day to [345]
' the 9th Day of *May* next ensuing.'

At the Time appointed by the last Prorogation this Anno Regni 1473 same Parliament met again at *Westminster*; and now, 1474.

by At Westminster.
¹ This Instrument, of a very great Length, is printed in the *Public Acts*, Tom. XI. p. 793, &c.

K. Edward IV. by the common Consent, the King granted to his Brother George Duke of Clarence, and Isabel his Wife, and to his other Brother Richard Duke of Gloucester, and Anne his Wife, Daughter and Heir to Richard Nevile, late Earl of Warwick, and Daughters and Heirs Apparent to Anne Countess of Warwick, 'That they shall

Grants in this
Parliament to the
Dukes of Clarence
and Gloucester, the
King's Brothers,

'enjoy to them, and the Heirs of their said Wives, all
'the Hereditaments belonging to the said Anne, in such
'Ways as if the said Anne was naturally dead; and that
'their said Wives should be of Blood to the said Anne,
'and enjoy all Benefits accordingly, she being for ever
'barred from claiming the same^k. Also that both the
'said Dukes, and likewise their Wives and the Heirs of
'both, may make Partition of the Premises to stand
'good in Law; and that the said Dukes, or either of
'them, over-living his Wife, shall, during his Life, en-
'joy her Property: That all Alienations, Discontinu-
'ances, Charges, and Incumbrances, suffered by either
'of the said Dukes or their Wives, to debar the other
'of the said Purparties, shall be utterly void. More-
'over, that if the said Duke of Gloucester be at any Time
'hereafter divorced from the said Anne his Wife, and
'suffer any such Incumbrance as above, that it shall be
'void. And further, that if the said Duke Richard,
'upon such Divorce, doth his uttermost to be reconciled,
'during his Wife's Life, that then, after the Death of
'his said Wife, he shall enjoy her Purparty.'

[346]

The Effect of the Grant made to the Mayor and Company of the Staple of Calais, Anno 13 Edward IV. was in a Manner recited; and it was further enacted,
'That the said Mayor, during the Term there men-
'tioned, shall pay 1000 Marks for the Fees and Rewards
'of the King's Judges, Serjeants, and Attorneys.'

This Session only continued to the 28th Day of May; when the Bishop of Lincoln^l, as Chancellor,
in

^k This Lady was Anne, the Daughter and Heir of Richard Beauchamp, Earl of Warwick, and married to Richard Nevile, eldest Son to the Earl of Salisbury, who had the Title of Earl of Warwick given him by Patent of Henry VI. in the Right of his Wife. She had only two Daughters by the said Earl, Isabel and Anne; the first was married to George Duke of Clarence, and the other to Edward Prince of Wales, Son to Henry VI. and, after his Death, to his Murderer, Richard Duke of Gloucester; who, as is said, dispatched her also by Poison, to make Way for his intended Match with his Brother King Edward's Daughter. Dugdale's Baronage, Vol. I. p. 307.

^l Thomas Rotherham, afterwards translated to York. Le Neve's Fasti, &c.

in the Presence of the King and the Three Estates, *K. Edward IV.* prorogued it to the 6th Day of *June* next ensuing. The Parliament At which Time, besides reversing the Attainders of a few more Gentlemen, and some other Acts on private Affairs, a Subsidy was granted by the Commons to the King of a Tenth and a Fifteenth; also 51,117 *l.* 4 *s.* 7½ *d.* as full Payment for the Wages of 13,000 Archers granted before; and, for the raising of this, every County, City, and Town was severally taxed. And, on *July* 18, the aforesaid Chancellor, by the King's Command, prorogued the Parliament to the 23d Day of *February* next ensuing, at *Westminster*.

K. Edward IV.
The Parliament
prorogued a
fourth Time.

They meet again
and grant a Sub-
sidy.

This Parliament being again assembled on the said Day, which was still in the 14th of this King, an Ordinance was immediately made by them for the speedy levying the Tenth, on all Revenues, granted in the 12th Year of this Reign.

The same Parlia-
ment meets after
a fifth Proroga-
tion.

An Act was made this Session for appointing *Thomas* Archbishop of *Canterbury*, and several others, Feoffees in Trust for sundry Hereditaments in the Duchy of *Lancaster*, to the Performance of the King's Last Will and Testament, &c.

The House called the *Style-House*, otherwise the *Stil-liard*, in the Parish of *All-Hallows*, in *London*, was, by Authority of Parliament, assigned to the Merchants of the *Hans* Towns, and to their Successors, for ever; together with other Tenements to the same belonging, yielding yearly to the Mayor of *London* 70 *l.* and some other Out-payment.

[347]

On the Petition of *Richard* Duke of *Gloucester*, the King would not attain *John Nevile*, late Marquis of *Montacute*, slain in the Battle near *Barnet*; but, by Authority of Parliament, he gave to the said Duke, and to the Heirs of his Body, lawfully begotten, several Honours, Baronies, Castles, Manors, and other Hereditaments, which belonged to *Richard Nevile*, late Earl of *Warwick*: And, by the same Authority, the King gave to *George* Duke of *Clarence* several other Manors, &c. in *Effex*, with the Mansion-House in *London* called the *Harber*, late belonging to the said Earl. Likewise, in Exchange for the Manor and Weapontake of *Chesterfield* and *Scarsdale*, in the County of *Derby*, and the Ma-
nor

K. Edward IV. nor of *Busby*, in *Hertfordshire*, allotted to *Richard Duke of Gloucester* and *Anne* his Wife, the King gave to the said Duke and *Anne*, in Fee, the Manor of *Cottingham*, in the County of *York*, with the Advowson of the same, which late belonged to *Richard* late Duke of *York*, the King's Father; together with the Town and Castle of *Scardeburch*, with the Fee-Farm of the same, and other Liberties,

Several other Manors are mentioned in the Records, as granted to the Duke of *Clarence*, in *Devonshire*, *Somersetshire*, &c. all which were Parcels of forfeited Estates, which at this Time must greatly increase the Revenues of the Royal Family.

Numerous Attainders, Revocations of Attainders, Grants, &c.

[348]

Another Subsidy

This long Parliament dissolved.

The whole Business of this last Session of the Parliament seems, by the Records, to be taken up with Attainders, and revoking Attainders, Grants of forfeited Estates, &c. the fatal Consequences of Civil Wars; but it would be too tedious to mention any more of them. However, we find that in the Statute-Books are several Acts made for the Public Good, in the different Sessions of this long Parliament, to which we must also refer; and shall only observe, That, before the Dissolution thereof, the Commons made another Grant to the King of one Tenth and one Fifteenth, with a Third of each of them. Which Grant being read, and agreed to by the Lords, the Lord-Chancellor, on the 14th Day of *March*, *Anno Regni* 15, by the King's Command, returned Thanks to the Two Estates for their great Diligence and Labour, and for their honest and sincere Carriage to his Majesty, in many Concessions made to him in this present Parliament, and dissolved them^m.

We have not, in the Course of these Inquiries, hitherto met with a Parliament of so long a Duration; they having sat, with the several Prorogations, near two Years and a Half; and it seems as if the Unsteadiness of the Times occasioned it; during which, the History of *Croyland* takes Notice that no less than three several Lord-Chancellors presided. The first, adds that Authority, was *Robert* [Stillington] Bishop of *Bath*, who did nothing but by the Advice of his Disciple *John* [Alcock]

[*Alcock*] Bishop of *Worcester*; the next was *Lawrence* K. *Edward IV.*
 [*Booth*] Bishop of *Durham*, who tired himself with doing just nothing at all; and the third was *Thomas* [*Rotherham*] Bishop of *Lincoln*, who did all, and brought every Thing to a happy Conclusion.

The aforesaid Authority^a, contemporary with these Times, goes on and tells us, ' That the King made it ' his utmost Study, in this Parliament, to incite and ' animate the Lords and Commons to consent to a War ' with *France*. And that many elegant Speeches, as ' well on the State of the Nation as on foreign Affairs, ' particularly in regard of the Duke of *Burgundy*, were ' made in open Parliament. At last, every one agreeing ' with his Majesty's Wishes, and applauding greatly the ' Royal Proposal, many Tenths and Fifteenths were ' granted, separately, as the Matter required, in the A large Subsidy,
 ' Convocation of the Clergy and Assembly of the Laity, ' who both interested themselves in making these Con- [349]
 ' cessions; besides charging their Hereditary Possessions ' and immoveable Goods freely with another Tenth to ' sustain the Expences of the War. Neither did all ' these Burdens on the People seem sufficient; for a ' new, and yet unheard-of, Imposition was asked, called ' a *Benevolence*^o, whereby every one might give what ' they would, or rather what they would not. The And a new Im-
 ' Money, raised by all these Ways and Means, amount- position, called a
 ' ed to so vast a Sum, as, adds the Monk, by Way of BENEVOLENCE,
 ' Prophecy, no doubt the like was never seen before; for carrying on a
 ' nor, in all Probability, ever will be seen again.' War against
France,

Hall, in his *Chronicle*, hath given us the Manner by which this new Device of a Benevolence was collected, which was begun the Year after the last Subsidy was granted^p. ' The King, he says, caused his Officers to bring before him, one after another, the richest and most substantial Citizens, and to them he explained the Cause, Purpose, and the Necessity of the War begun with *France*, and the Weakness of his Treasury to carry it on; requiring them by the Love and Regard they

^a *Hist. Croyl. Continuatio*, p. 557. 558.

^o So our Authority; but in the second Year of his Reign he sent out Letters, under the Privy Seal, to ask such a Contribution as this, to help him to raise Forces against the Scots coming in with King *Henry*, which was liberally granted. *Stowe's Chronicle*, 416.

^p *Hall's Chronicle*, Folio cccxvii, copied by *Grafton*, p. 719.

K. Edward IV. they owed their natural Prince, out of Gratitude and Kindness to him, that they would give him freely some Aid in Money, towards the Maintenance of the War and Army. What should I say more, adds our Author? This Invention had its Effect. Some calling to Remembrance the Benefits received from him; some with Shame, and some with Fear, moved and encouraged, gave liberally of their Money; which could not have been otherways obtained without much Grudging and Reluctancy^a. Our Historian goes on and tells us a pleasant Story, which happened by this Way of gathering the Benevolence. 'The King had called before him a Widow Gentlewoman, much abounding in Wealth, and equally stricken in Years, of whom he only demanded what she would freely give him towards the Support of his great Charges: *By my Troth*, quoth the old Lady, *for the Sake of thy lovely Countenance thou shalt have Twenty Pounds*. The King, expecting scarce half that Sum, thanked her, and gave her a loving Kiss. Whether the Flavour of his Breath, adds *Hall*, did so warm her old Heart, or she esteemed the Kiss of a King so precious a Jewel, she swore directly that he should have twenty Pounds more; which she as willingly paid as offered^r.

[350]

Which proves
unsuccessful.

But leaving this new Way of raising Money, (which, by all we can find, was only practised on the richest Citizens of *London*, and not carried thro' the Nation) let us see what the King did with his Riches, and how they were employed abroad. *Edward* embarked with his

^a *Fabian* writes, that the Mayor of *London* for his Part gave 30 *l.* each of the Aldermen 20 Marks; the Commoners, singly, gave him the Wages of half a Man for a Year, which amounted to 4 *l.* 11 *s.* 4 *d.* *Cbron.* Fol. 222.

^r A Story, somewhat applicable to this, actually happened at *Pontfretre*, in *Yorkshire*, in the Year of King *Charles* the Second's Restoration. It was then thought proper, to supply the present Necessities of the King and State, to send Officers about the Kingdom, to collect what Money each Person would freely contribute on that Occasion; and which was also called a Benevolence. The Collectors came to the House of an old Lady, of the Name of *Wakefield*, who then lived in the Town aforesaid, and having told her their Errand. "Alas! Alas! said she, a poor King indeed, "to go a begging the first Year of his Reign! but stay, I will bestow some thing on him;" and telling them out ten broad Pieces, "Here, says she, take those." The Officers were going away, very thankful for what they had got; "Hold, says the old Lady, here are ten more to bear the Charges of the other; and then perhaps some of them may reach him."

his Forces, and landed at *Calais*, where he was joined by the Duke of *Burgundy*, who had invited him to this War; but with so poor a Reinforcement, that *Edward* thinking himself slighted, and fearing some Treachery, hastily concluded a Peace with the *French King*; and the whole ended in an Interview between the two Kings; which was perform'd at *Piguigny*, with great Ceremony and Magnificence.

K. Edward IV.

[351]

A Peace clapped up with *France*, which disoblige the Nation.

But the Nation was no ways pleased with this Piece of Pageantry; the Money, which had been squeezed as it were out of every one's Purse, was given and granted for a quite different Purpose than to be spent in a pompous Parade. A War with *France*, on the old Quarrel, was what all wished for; and it was with great Difficulty that *Edward* prevented his Chief Ministers from being called to an Account at his Return, being greatly suspected that they had been touched with *French Gold*, in order to advise him to consent to a Peace. An Historian remarks, ' That surely there is some in-born Malice rancoring in the Genius of our Nation against the *French*, the *Saxon* Government having once received a final Overthrow from them, in the Conquest of Duke *William*, or else it would be a Wonder why the *English* were never sparing of their Lives or Treasure, when any War was to be advanced against the *French* '.

The King was in his Nature so liberal to those who had any ways befriended him, that he soon got quit of all the Treasure that was left after his *French Expedition*; and knowing well the Fickleness of the Nation, how prone they were to raise Insurrections, and how fond of Novelties, he durst not call a Parliament to lay on any new Subsidy; but took other very different Ways to restore his Treasury. Under the Force of a Statute, which had been passed in Parliament, he first took into his own Hands all the Revenues of the Crown, to whomsoever alienated, and applied them to defray the Expences of the State. Next he fix'd, in every Part of the Kingdom, Collectors of the Customs, Men well qualified for their Offices,

The King's Method of raising Money, to avoid calling a Parliament.

[352]

* *Philip de Commines* expressly says, That they were all at that Time Pensioners to *France*; and that the King of *England* lost more Credit, amongst his own Subjects, by this Peace, than he had gained Honour by the nine former Victories he had won. *Livre IV. chap. x.*

† *Halbington in Kennet, p. 461.*

K. Edward IV. Offices, and who were hard enough on the Merchants. He loaded many Ships of Burden with the finest Woolls, Cloth, Tin, and other Commodities of the Kingdom; and, like a meer Merchant, traded to *Italy* and *Greece* with them, and had, in Exchange, the Product of those Countries. The vacant Bishopricks which had fallen into his Hands, and which, by *Magna Charta*, he could not make Sale of, he granted no Restitution of the Temporalities under a fixed Price. The Registers and Rolls of Chancery were strictly searched, and whosoever he found had entered upon their Estates without due Form of Law, he made them pay large Fines for their Titles. These, and such-like Kinds of Snares, which a cunning Fowler could possibly invent, he put in Practice: Add to this, the 10,000*l.* a-year, by Treaty, from *France*, with the Tenths of all Church-Livings, from the Payment of which no Bishop or Clergyman could get excused, in a few Years filled the King's Coffers, and made him one of the richest Princes of that Age: Insomuch, adds our Authority, that, for Vessels of Gold and Silver; for Tapestry, for precious Ornaments, Robes, and Vestments; for building of Castles, Colleges, and other famous Places, none of his Ancestors could be compared to him ^u.

By these Means, we may suppose, the King subsisted himself, and discharged the necessary Expences of the State, without laying any general Tax on his Subjects, or having Occasion to call a Parliament for some Time; for it was not till near three Years after the last Parliament was dissolved that we meet with any Account of another; but no Writs of Summons are given to it either in *Dugdale* or the *Abridgement*. The last Authority, [353] however, mentions the Proceedings of a Parliament held at *Westminster* on the 16th Day of *January*, in the 17th of King *Edward IV.* and our Statute-Books, by a Recital of several Acts there made, confirm it.

Anno Regni 17.
1477.
At Westminster. At the Time appointed the Parliament met at *Westminster*; when *Thomas Rotheram*, Bishop of *Lincoln*, in the Presence of the King, Lords, and Commons, in the Painted Chamber, declared the Cause of the Summons under this Text, *Dominus regit me, et nihil mihi deerit.* Upon which he largely treated 'of the Obedience which

' Subjects

‘ Subjects owe to their Princes ; and shewed, by many K. Edward IV^d
 ‘ Examples out of the Old and New Testament, what
 ‘ grievous Plagues had happened to the Rebellious and
 ‘ Disobedient ; particularizing that Saying of *St. Paul*,
 ‘ *Non sine Causa Rex Gladium portat*. He added, That
 ‘ the Majesty of the King was upheld by the Hand and
 ‘ Counsel of God, by which he was advanced to the
 ‘ Throne of his Ancestors.’ And concluded with ob-
 ‘ serving, ‘ That, under the Person of the King, with the
 ‘ Persons of the Bishops and Lords, and under those of
 ‘ the Commons, *Si Dominus eos crexerit, nihil eos deerit*,
 ‘ *sed Loco Pascuæ illos collocabit.*’ Then he directed the
 Commons to chuse their Speaker amongst themselves, WILLIAM AL-
 as usual, and present him to the King; who, next Day, LINGTON. Esq^d
 presented *William Allington*, Esq; for that Office, and he again chosen
 was allowed accordingly. Speaker.

The first Thing we find is a Creation exemplified of
Richard the King’s second Son, being thereby made The King’s se-
 Duke of *York* and *Norfolk*, Earl-Marshall of *England*, cond Son crowned
 and Earl of *Warren* and *Nottingham*. Likewise that the Duke of York
 King had appointed his said Son to marry with *Anne*, &c.
 the Daughter and Heir to *John* late Duke of *Norfolk*,
 the said *Anne* being then but six Years of Age, and the
 Prince about the same. On this Declaration an Act
 was made, That if the said *Anne* should happen to die
 before she had Issue by the said Duke of *York*, that
 then the said Duke should enjoy, during his Life, several
 Baronies, Honours, Castles, Manors, Knights Fees,
 and other Hereditaments by Name, in *Wales*, *Suffex*,
 and other Countries, Parcel of the Inheritance of the
 said *Anne*. A Confirmation of the Jointure, rated by
 Particulars, to *Elizabeth* Duchess of *Norfolk*, late Wife
 to *John* Duke of *Norfolk*; all which Premises, with
 all other Reversions of the said Duke, were granted and
 confirmed by Parliament to the said Duke of *York*, du-
 ring his Life; in which are included some Provisions for
 the Lord *Howard*, the Lord *Berkeley*, and others.

[354]

The Exchange of the Castle and Manor of *Elvel*, in
Wales, belonging to *Richard* Duke of *Gloucester* and
Anne his Wife, for the King’s Castle and Manor of
Wigmore, in the same Country, &c. was confirmed by
 Parliament; as also some other Privileges were granted
 to the said Duke.

And

K. Edward IV. And whereas the King had created *George Nevile*, the
Nevile Duke of Son of John Nevile, late Marquis of *Montacute*, Duke of
Bedford's Title Bedford; the King, by Authority of Parliament, revoketh
 revoked, the said Creation, and all other Titles and Honours,
 as well from the said *George* as from the said *John* ^w.

It is necessary to expatiate a little upon this extraordinary Act of Revocation. *John Nevile*, second Son to *Richard Earl of Salisbury*, and Brother to the famous *Earl of Warwick*, for his good Services to the House of *York*, had been created Marquis of *Montacute*, or *Mountague*, by King *Edward IV.* and had several large and rich Manors given him: Historians are far from being clear in the Character of this Nobleman; it is said that when his Brother the *Earl of Warwick* deserted the Interest of the Duke of *York*, he did the same, and raised Forces in the North, and that, by both, *Edward* was driven out of the Kingdom. In the Parliament called on the Restoration of *Henry VI.* the same Authorities assure us, that the Marquis came to it, and, with many Words, endeavoured to excuse his having formerly acted for King *Edward*; urging, that it was really the Fear of Death only that obliged him to it; on which he obtained his Pardon, and was put upon the same Footing, for Friendship, with his Brother. But, adds one, if he had stood firm to *Edward* he had done *Henry* less Harm as an open Enemy, than a treacherous Friend, because those we are aware of seldom greatly hurt us ^x. For, within a short Time after, King *Edward* returning, this *John* privately held a Correspondence with him; and being then with a large Army at *Pontfretre*, he suffered *Edward* to pass by him without Molestation. That afterwards he outwardly made a Shew of joining with his Brother the *Earl of Warwick*, and the rest of the *Lancastrians*, at *Barnet*, but that he privately got on King *Edward's* Livery, in order to take his Part; which being discerned by some of his Brother's Servants, they forthwith fell upon him and killed him ^y. These last Particulars are only mentioned by *Dugdale*, who quotes

Leland's

^w This Case is cited by Mr. *Pym* in the Trial of the Duke of *Buckingham*, Anno 2 Car. I. See *Parliamentary History*, Vol. VII. p. 127.

^x Porro si is cum Edwardo stetit, Dubio procul minus Hostis quam fu-
 cosus Amicus lassisset; quoniam quæ cavemus raro baudve graviter nocent.—
Pol. Verg. p. 521.

^y *Dugdale's Baronage*, Vol. I. p. 308, from *Leland*.

Leland's Collectanea for his Authority; but, if this had K. Edward IV. been true, his Son *George*, without the highest Ingratitude, had never suffered as above: For we are told that, by his Father's Attainder at this Time, he was deprived of sufficient Livelihood; and, losing all his own Honours and Titles also, he retired to *Sheriff-Hutton Castle*, in *Yorkshire*; where, *Anno 1483*, *1 Edward V.* he died.

The Earl's other Brother, *George Nevile*, Archbishop of *York*, famous for his extraordinary Installation-Feast, lived some Time quietly under *Edward's* Government: But the King, growing jealous of him, at last seized on his Person and Effects by a Stratagem, and sent him Prisoner to the Castle of *Guisnes*, where he soon after died. Thus the Crime of double Perfidy was amply revenged by the Destruction of this whole Noble Family.—But to return to our Parliamentary Proceedings.

[356]

To soften the Rigour of the last Sentence, we find that some others, who had been attainted, were pardoned, and had their Estates restored to them. The Principal of which was *Sir Thomas Vere*, Knt. Brother to *John* late Earl of *Oxford*, which Family had been strongly attached to the House of *Lancaster*; for, even after the Battle of *Tewksbury*, the said Earl and his Brothers retired to *St. Michael's Mount*, in *Cornwall*, and held it out against King *Edward* for some Months. The Earl himself, however, suffered severely; for though he was pardoned as to his Life, in the Parliament of the 12th of this King, yet he was made a close Prisoner in the Castle of *Guisnes*, and continued so to the last Year of *Richard III.* In all which Time his Lady was never suffered to come to him, nor had any Thing allowed for her Maintenance; but lived upon the Charity of well-disposed People, and by what she could earn with her Needle, or other feminine Employments.

We must not omit another Remark, *viz.* That the Process and Judgment against another Lady, called, in the *Record*, *Ankerette Twiniho*, for poisoning *Isabel* late Wife to *George Duke of Clarence*, and for which the said Lady had suffered Death at *Warwick* the Year before, were utterly repealed by this Parliament. Probably, it

VOL. II.

A a

‘ being

K. Edward IV. being found a wrong Accusation, this was to make some Amends to her Family; the seizing upon her Person, Trial, Judgment, and Death, being proved, in the *Record*, to have all been done by the Instigation of the Duke of *Clarence*.

[357]

Several useful
Acts passed.

On the Petitions of the Commons some useful Acts were made this Parliament; as, 'That all *Irish* Money should be prohibited in this Kingdom: That it should be Felony to carry out of *England* or *Wales* any Coin of this Realm, or any Plate, Bullion, Jewels of Gold or Silver, without the King's Licence, &c. An Act against unlawful Games, such as are there call'd *Klosse*, *Half-Bowl*, *Rayles*, *Hand-in-Hand*, or *Quechboard*, on Pain of two Years Imprisonment, and Forfeiture of 40*l.* and whosoever should suffer any other Person to play at such Games in his House, or other Place, shall suffer three Years Imprisonment, and forfeit 20*l.* A long Act for regulating Apparel, which had then grown to a very great Extravagance. An Act was made to repeal a Parliament holden *Anno* 9 *Edward* IV. [or *Anno* 48 *Henry* VI.] with all the Acts therein made, and their Exemplifications ^d. Lastly, the *Abridge-ment* mentions an Act, to continue only to next Parliament, 'To oblige all *Irishmen* born, or coming of *Irish* Parents, who reside in *England*, either to repair and remain in *Ireland*, or else to pay yearly a certain Sum, there rated, for the Defence of the same.' Also, 'That an Ordinance was made for *John Atwill*, a Burgess in this Parliament for the City of *Exeter*, (who had been condemned in the Exchequer, on eight several Informations, at the Suit of *John Taylor*, of the same Town) to have as many *Supersedeas* as he pleased, untill his coming to his own Home.' An Act of Privilege directly in the Face of the other Courts of Justice, and is somewhat extraordinary at that Time.

The Reader may observe that no Supply was either asked or granted this Parliament, some other Necessities of State requiring this Meeting, and the King still subsisting himself on his own Revenues.

[358]

About this Time a Discord arose between the King and his Brother *George*, Duke of *Clarence*, which ended in the Destruction of the latter.

^c It

^d See before in this Volume, p. 334, 350.

‘ It was observed, says the *History of Croyland* °, that the Duke withdrew himself, by little and little, from the King’s Presence; in Council he would scarce speak a Word, nor would he willingly either eat or drink in the King’s Palace. This Coldness in the Duke was thought by many to proceed from the general Resumption of Crown Lands, which, as has been said, the King had practised; by which the Duke had lost the noble Lordship of *Tutbury*, and several other Lands which the King had formerly given him. Add to this, that, on the Death of *Charles Duke of Burgundy*, *Mary* his only Daughter and Heir, by *Margaret*, King *Edward’s* Sister, was designed by her Mother to be given to *Clarence*, his own Wife being newly dead; but the King, says our Authority, not willing his ungrateful Brother should gain such a Fortune, impeded the Match so much that it never took Place; and the young Lady was afterwards married to the Emperor of *Germany’s* Son, *Maximilian*. The Duke’s Anger was, by this Usage, much more raised against the King, and they began to regard one another with no brotherly Aspects: Besides, Flatterers and Tale-bearers, who always haunt the Courts of Princes, by carrying and repeating Stories, made the Matter still worse between them. But the Reason of the Duke’s Imprisonment is said to be this; one *John Stacey*, whom our Author calls an Astronomer and a great Necromancer, was joined in Confederacy with *Thomas Burdet*, Esq; one of the Duke’s Servants; and they were accused of compassing the Death of *Richard Lord Beauchamp*, at the Instigation of his Wife, an Adultress, by making of Leadén Images, and other Things to that Purpose. *Stacey* having passed a severe Examination on the exercising this damnable Art, says the Monk, confessed many Matters both against himself and against the said *Burdet*, who was thereupon taken up. They were both tried in *Westminster-Hall*, at the Bar of the King’s Bench, most of the Lords Temporal sitting with the Judges, where they were found guilty, and condemned to suffer Death for it. Being drawn to *Tyburn*, and permitted to speak what they pleased, *Stacey* said little; but *Burdet*, with great Boldness and many Words, declared his Innocence, and

K. Edward IV.
A Quarrel between the King and his Brother George Duke of Clarence.

[359]

Two of the later’s Confederates executed, avowing their Innocency.

K. Edward IV. ended his Discourse, adds the Monk, with these Words of *Susanna*, *Ecce morior, cum nihil horum fecerim* ^l.

The next Day the Duke of *Clarence* came into the Council-Chamber, at *Westminster*, and brought with him a famous Divine, of the Order of *Minors*, who had taken the Confession and Declaration aforesaid, and repeated it to the Lords of the Council; which as soon as he had done, the Duke withdrew. The King was at that Time at *Windsor*, and, when he was told this Affair, he fell into a vehement Passion at his Brother; and recollecting in his Mind all the Informations he had received against him, he summoned him to appear before him, on a Day appointed, in the Palace at *Westminster*, when the Lord Mayor and Aldermen of London were present; and there the King, with his own Mouth, accused the Duke of many Articles, particularly the last-mentioned; aggravating it vehemently against him, and charging the Duke with stigmatizing him as a Reprobate to the Laws of the Land, and that his Judges and Juries were equally unjust. Upon which the Duke was sent Prisoner to the Tower, from which Imprisonment Death only freed him.

What followed in the next Parliament, still adds our former Authority, *Mens refugit enarare*; since it was a melancholy Sight to see such Discord arise between two Persons so near a-kin in Humanity; for no one charged the Duke but the King, nor no one answered the King but the Duke. Some, however, were produced, of whom it was much doubted whether they came as Accusers of the Duke, or Evidences for him. The Duke answered all Objections to his Conduct by a flat Denial; offering, if it might be granted, to defend his

The Duke himself tried, condemned, and executed.

^l This *Burdet* is the Man whom all our later Historians particularly mention for being executed on a very trivial Accusation. King *Edward*, in some Progress that he made, took Occasion to hunt in this Gentleman's Park; and, amongst several Deer that he killed, shot a white Buck, which the Squire much valued: And saying that he wished the Horns of the Buck in that Man's Belly who advised the King to kill him, this was construed as wishing the Horns in the King's Belly, and he was executed for it. Our contemporary Historians, from whom we have quoted, mention nothing of this Buck Affair; and old *Stowe* says expressly, That he was accused of Poisoning, Sorcery, and Inchantment, heinous Crimes in those Days to be even suspected of; for which he was attainted by Parliament, drawn to *Tyburn*, and there beheaded. This may therefore be looked upon as one of the partial Strokes at the House of *York* by the *Lancastrian* Writers who succeeded. *Stowe's Chron.* p. 430.

his Cause by Combat. *Quid multis immorer?* The ^{K. Edward IV.} House of Lords were of Opinion that the Evidence against the Duke was sufficient, and therefore proceeded to Condemnation; the Sentence of which was pronounced by Henry Duke of Buckingham, for that Time made Lord High-Steward of England^s. Execution, however, was delayed till the Speaker of the House of Commons and his Brethren were called before the other House, when a Re-hearing of the whole Matter was made before them. The Consequence of all which was, That the Duke was put to Death, within the Tower of London, in a few Days; but what Kind of Death he suffered is unknown, *Utinam Finis mali*^h: This is the honest Monk's Prayer, at the End of his Tragic Story. And a superstitious Person would be apt to believe that he had either foreseen or dreaded some future Mischiefe might happen, as indeed it did, to the two Children of this unfortunate Prince, Edward Earl of Warwick, and Margaret Countess of Salisbury; both born, says an Historian, under the same malevolent Constellation with their Father; for he lost his Head in Henry the Seventh's Time, and she her's, by Command of Henry the Eighthⁱ.

[361]

We have chosen to translate all the abovesaid Account from the contemporary History before quoted, as the best Authority we can give of this extraordinary Proceeding. Add to this, that all our antient Chronicles are expresse that the Duke was condemned by Parliament; and yet there is not one Word of it, or of any Parliament being summoned at that Time, to be found on Record. It is probable that the great Grief, which all agree the King expressed afterwards, for suffering himself to be hurried away by Prejudice and Passion against his Brother, was the Occasion that the Process was kept out of the Records.

But the particular Writer of this King's Life is more explicit, and hath not only laid the Death of the Duke of Clarence to the evil Machinations of his Brother

A a 3

Glou-

^s Sir William Dugdale says, That the Duke was not attainted in Parliament till after his Death; but the Authority afore-quoted, which proves to the contrary, is not to be contradicted. *Dugdale's Baronage*, Vol. II. p. 164.

^h Most Authors agree that he was drowned in a Butt of Malmsey Wine,

ⁱ *Biendi*, Vol. II. p. 66.

K. Edward IV. *Gloucester*, but hath also given us the Sum and Substance of the Bill of Attainder against him; which, as it lays the Matter fully open, we shall give in his own Words as follows ^k:

The Form of Attainder against him.

[362]

‘ In his Attainder, according to the Form, are Crimes enough to make his Death have Appearance of Justice; the Execution of which the King seemed rather constrained to, than to have sought. For there are reckoned up, How the Duke of *Clarence*, to bring the present Government into Hatred with the People, and thereby the present State into Trouble, had not only in his Speeches frequently laid Injustice to the King’s Charge in attainting *Thomas Burdet* falsely, convict of many notorious Treasons, but suborned many of his Servants and divers others, corrupted with Money, to divulge the like seditious Discourses: That he had spread abroad impious Rumours, that the King dealt by Necromancy; and that, upon Offence against such of his Subjects, whom by Order of Law he could not destroy, he was accustomed to take them away by Poison: That he had not rested there, but, thereby to advance himself to the Kingdom, and for ever to disable the King and his Posterity from the Crown, he had, contrary to Truth, Nature, and Religion, Viper-like destroying her who gave him Life, published that the King was a Bastard, and no way capable to reign: That, to make this his so monstrous Ambition more successful, and already to begin his Usurpation, he had caused many of the King’s Subjects to be sworn upon the most blessed Sacrament to be true to him and his Heirs, without any Exception of their Allegiance; after which so solemn Oaths, he discovered to them his Resolution to right himself and his Followers, who had both suffered by the King’s violent wresting away their Estates, and in particular to revenge himself upon the King, who (as he most impiously and falsely suggested) had, by Art-Magic, contrived to consume him, as a Candle consumeth in burning. And, what most expressed the Treason of his Designs, that he had got out an Exemplification

under

^k Mr. *Habington* seldom quotes his Authorities; but this is most certainly taken from old *Stowe*, who says he had read the Attainder, *Chron.* p. 430.

under the Great Seal of *Henry VI.* late King, wherein K. Edward IV.
 was shewed how, by the Parliament, it was enacted,
 That, if the said *Henry*, and *Edward* his Son, should
 die without Issue Male, the Kingdom should descend
 upon the Duke of *Clarence* and his Heirs; whereby
 clearly appeared his Intention immediately to possess
 himself of the Crown, with Destruction of King *Ed-*
ward and his Children, by Pretence of a general Elec-
 tion of the Commonwealth. This was the Sum of
 his Attainder, which we may well believe had not so
 easily passed but by the King's public declaring himself;
 the secret working of the Duke of *Gloucester*; and the
 passionate urging of the Queen's Kindred. But this
 Attainder hath in it one Thing most remarkable, that
Clarence here falsely was accused of laying Bastardy to
 the King, to endeavour Possession of the Crown; which
 afterwards was alledged indeed by *Richard* Duke of
Gloucester, to the absolute Disinherit of the King's
 Sons.

[363]

His Death charged on his Brother Richard Duke of Gloucester.

It was not till five Years after the Dissolution of the
 last Parliament that we meet with another on Record,
 which was summoned by Writs, dated at *Westminster*,
November 15, in the 22d and last Year of this King,
 to meet at the same Place on the 20th of *January* fol-
 lowing. The first Writ to the Peers was directed
 to his most dear first-born Son, *Edward* Prince of
Wales, &c. the next to the King's other Son, *Richard*
 Duke of *York*, and the next to *Richard* Duke of *Glou-*
cester.

Anno Regni 22. 1482.

At Westminster.

Being all assembled on the Day appointed, the Arch-
 bishop of *York*, *Thomas Rotheram*, Lord-Chancellor,
 opened the Session by a Speech, not given, on this Sub-
 ject, *Dominus Illuminatio mea & Salus mea*. After
 which he directed the Commons to chuse a Speaker;
 who, the next Day, presented *John Wood*¹, Esq; for that
 Office.

JOHN WOOD, Esq; elected Speaker.

The first Thing, on Record, which was done in this
 Parliament, is, That the House of Commons voted a
 Supply; and, by the Consent of the Lords Spiritual and
 Temporal, a Tenth and a Fifteenth, to be levied on
 the Laity, was granted, except a Deduction of 6000*l.*

A Subsidy.

to

K. Edward IV. to be bestowed on decayed Towns; also a yearly Subsidy to be levied on all Strangers, as well Denizens as others: And, at the Request of the Commons, in Recompence of the above Grant, the King commanded that all the Statutes, concerning Weights and Measures, Labourers, Beggars, and Vagabonds, should be proclaimed and duly observed.

[364]

A yearly Rent, or Annuity, out of the King's Customs and other Revenues, amounting to the Sum of 11,000*l.* was settled, by Parliament, for defraying the King's Household Expences.

The rest of the Business transacted in this Parliament, which the *Record* gives us, was chiefly Gifts, and Exchanges of Manors and other Hereditaments in the Duchies of *Cornwall* and *Lancaster*, which would be too tedious to mention; except that a very large Grant to *Richard Duke of Gloucester*, of the Wardenship of the North Marches, together with the Castles, Towns, Lordships, Customs, and Fee-Farm of *Carlisle* and *Newcastle*, with several of the King's Hereditaments, belonging to the Duchy of *Lancaster*, in *Cumberland*, and several Countries and Lands within *Scotland*, there mentioned, and some Royal Prerogatives within the same, to hold the same of the King, by Knight's Service, was confirmed by Parliament. This extraordinary Grant, with what has preceded, were but too ungratefully repaid, as will appear in the Sequel. Also,

On some Grants, Leases, and Releases made between the King, the Abbot of *St. Mary's, York*, and the Prior of *St. John's of Jerusalem*, confirmed by this Parliament, Mr. *Prynne*, the Publisher of the *Abridgement*, remarks, 'That in all these Grants, as well of the said Abbot as the said Prior, they severally stile the King by these very Words, *Supremus Dominus noster Edwardus Quartus, Rex*. At which Time, adds he, if there was any Pope, either his Power here was very little, or else not much regarded.'

[365]

Some Acts are also in the Statute-Books, made this Parliament, for the Advantage of the Public, to which we refer; and shall only mention one, by which all former Statutes made, touching the Excess of Apparel, were repealed; and what Kind of Apparel Temporal Men of every Degree and Estate were allowed to wear:

A Sumptuary
Law.

Also,

Also, 'That none, under the Degree of a Lord, except ^{K. Edward IV} certain Persons particularly named, shall wear any Gown, or Mantle, unless it be of such a Length that, a Man standing upright, it shall cover his Privy Members and Buttocks ^m.'

But, tho' our *Records* inform us of no public Affairs being transacted this Parliament, yet our Historian aforementioned is not so silent: That Authority tells us, 'That *Edward's* foreign Negotiations were driven to a very disagreeable Crisis. He now found out, that *Lewis* the *French* King had long made his Game of him; and, at present, seemed so much to despise his Power, that he not only withdrew the annual Tribute, but actually forbid the Marriage of the *Dauphin* with the Princess *Elizabeth*, *Edward's* eldest Daughter, though they had been solemnly contracted: That the *Scots*, having a Mind to break the Truce, first despised the Match that was agreed upon between their King and *Cicely*, another Daughter of *Edward's*, and then openly espoused the Cause of *France*. Other foreign Concerns, relating to his Friend the Duke of *Austria*, gravell'd him; nor were his domestic Affairs in any profound Degree of Tranquillity. Under these Dilemmas, adds our Author, he found himself necessitated to call a Parliament, to whom he opened the Cause of his Troubles, and the fraudulent Usage he had met with from the Powers above-mentioned, and begged of them to assist him to revenge the Affront. Nevertheless he durst not, says the Monk, ask any Subsidy from the Commons; but took more Freedom with the Clergy, to whom he told his Necessities in a kind Manner; and they, with as much Benignity, granted a Tenth, and were so complaisant to him, that whatever the King asked they granted. Here the Monk falls into an Exclamation against such Practices; which, because it is singular in its Kind, we shall give in his own Words: *O servile, perniciosum Exitium Ecclesiæ! Avertat Deus, ab omnibus Regum succedentium Animis Factum ejusmodi in ullam trahere Consequentiam; ne forsan ipsis ea Mala, sive deteriora, excogitare possint, eveniant, quæ mox huic Regi, & suæ clarissimæ Posteritati, miserabiliter evererunt* ⁿ.

The King greatly distressed.

[366]

The Clergy grant him a Tenth.

The

^m Statutes at large, Anno 22 Edward IV. cap. i.

ⁿ Hist. Croyl. Cent. p. 563.

K. Edward IV. The Abridger of the *Records* hath given us the Names of the Peers summoned to attend a Parliament at *Westminster*, *January* the 20th, in the 23d Year of this King, wherein the first Writ is directed to his first-born Son, *Edward Prince of Wales, &c.* and the next to *Richard Duke of York*; but there are no Proceedings of such a Parliament on Record: It is probable they never met, being prevented by the last Sicknefs and Death of the King, which happened soon after; for he died at his Palace of *Westminster* the 9th of *April*, *Anno* 1483, and the 23d Year of his Reign.

The Death of
Edward IV.

The intestine Troubles that were on Foot, in this Kingdom, when this Monarch began his Reign, and which continued, by Intervals, during the greatest Part of it, yields but small Matter for these Parliamentary Inquiries. And indeed when *Edward*, by many Victories, had, at length, subdued all his Enemies, we find but very few Parliaments called, in Proportion to some former Reigns. It is probable that this King had taken some Disgust against these Assemblies, by observing that they ever declared on the strongest Side; a flagrant Instance of which was, the recognizing and swearing to defend two opposite Titles in less than the Space of six Months°. It is true the Kingdom had been wasted to the very Bones, as it were, by the great Depredations, always consequential to Civil Wars; and the Commons left in so poor a Condition that they were little able to grant Supplies; which might be another Reason why this King chose not to oppress them by Taxes, but to support himself on the Revenues of the Crown, his own paternal Estate, Benevolences from the Rich, and the Returns of Money he must necessarily acquire by Traffick in his mercantile Affairs. In relation to Trade in general, though the Reader may observe that many good Acts were made in this Reign to encourage it, particularly the Woollen Manufactory, yet most Authors have accused this King of a very false Step, in making a Present to his Brother of *Spain* of some *Cotswold* Sheep; the Breed of which has been very detrimental to that last named natural Branch of Trade ever since: But an old Historian^p

° See p. 334, 339, 350, 355.

p *J. Stowe*, p. 419. A League of Friendship and Commerce having been ratified between King *Edward*, *Henry King of Castile*, and *John King of Arragon*; the former, judging it very beneficial to *England*, made the latter a Present of these Sheep, *Anno* 1465.

has,

has, in some Measure, cleared him from that Asperſion, by obſerving that, long e'er this, Sheep muſt have been common in *Spain*, as is apparent by a Patent, granted by King *Henry II.* *Anno 1185*, in the 31ſt of his Reign, to the Weavers of *London*, That if any *English* Cloth was found to be mixed with *Spaniſh* Wooll, the Mayor of *London* ſhould ſee it burnt.—Thus much we have thought proper to ſay at the Concluſion of this Reign; but as to the Virtues and Vices of King *Edward IV.* in a more general Way, we leave them as they were; ſince it is well known that the good and bad Characters of this Prince are ſufficiently diſcuſſed by other Hiſtorians.

TAXES during the Reigns of King Henry VI. and King Edward IV.

IN the firſt Year of *Henry VI.* the Commons, with the Aſſent of the Biſhops and Lords, granted to the King a Subſidy on Woollen or Staple Wares, viz. 33*s.* 4*d.* on Natives for every Sack of Wooll, and for every 240*lb.* of Wooll-fells, 34*s.* 4*d.* Of Aliens, 43*s.* 4*d.* for the ſame. Tonnage at 3*s.* and Poundage at 12*s.* on Aliens only, for two Years to come.

[368]

In his ſecond Year the ſame Tax was renewed for two Years more.

In his third Year the former Subſidies on Woolls were granted for three Years longer, and Tonnage and Poundage for one Year, upon Condition that foreign Merchants ſhould be ſtrictly looked to for their Duties.

In his fourth Year the ſame Subſidy on Woolls, &c. with Tonnage and Poundage, was granted for two Years, as in the preceding Parliaments.

In his ſixth Year the Parliament granted a Subſidy of 3*s.* a Ton for all Wine imported, and 1*s.* in the Pound for all Merchandize. Beſides this, there was an uncommon Sort of a Tax granted by this Parliament, in the Nature of a *Poll-Tax*, that all Inhabitants, Houſholders, within every Pariſh of the Realm, Cities and Boroughs excepted, ſo that there be ten Perſons keeping Houſe in ſuch Pariſh, ſhall pay to the King 6*s.* 8*d.* for their Goods and Moveables: And over that every Houſholder inhabiting in each Pariſh where there are ten of them, and whoſe Churches extend to the Value of ten Marks, ſhall pay to the King 13*s.* 4*d.* Alſo that every Inhabitant, Houſholder,

Houſholder, within the Cities and Borough Towns of this Kingdom, the Value of whoſe Pariſh-Church amounts to the Sum of 20*s.* *per Ann.* ſhall pay to the King 2*s.* and ſo above to the higheſt Value of the ſaid Churches; ſaving to thoſe Cities and Boroughs their Franchiſes and Liberties." Alſo every Perſon, being in Poſſeſſion of Freehold Lands to the Value of a whole Knight's Fee, ſhall pay 6*s.* 8*d.* and after that Rate to the fourth Part of a Knight's Fee, to be paid at the Times aſcertained, truſting always that the Lords Spiritual will tax themſelves a whole Diſme, for the Defence of the King and Realm aforeſaid. No Member of Parliament to be either a Commiſſioner or Collector of this Tax.

In his eighth Year a Supply was granted of one whole Tenth and one Fifteenth, to be levied on the Laity. The Commons, at the ſpecial Inſtance of the Biſhop of *Wincheſter*, juſt then made a Cardinal, granted another Tenth and a Fifteenth, to be levied as above. They alſo gave the King a Grant of Tonnage and Poundage, to continue till the next Parliament.

[369]

In the ſame Seſſion they gave the King the like Subſidy on Woolls as was granted in former Parliaments, for two Years. And at the ſame Time they conſented to ſhorten the Payment of the laſt Tenth and Fifteenth, to relieve the preſſing Neceſſities of the State.

In his ninth Year the Parliament granted a Supply of one Tenth and one Fifteenth, and a Third of both; they alſo gave Tonnage and Poundage for two Years, with a Subſidy of the like Value on all Merchants Aliens, over and above the ſaid Tonnage and Poundage. The Commons alſo granted to the King 20*s.* from every Layman holding a Knight's Fee, and according to that Value under or over. The ſame from the Clergy for all Lands purchaſed ſince the 20th of *Edward I.* And that all other Perſons, having Hereditaments to the Value of 20*l.* over all Reprizes, not held as above, ſhall alſo pay 20*s.* and ſo according to that Rate: But this was afterwards given up by the King.

In his tenth Year he had half a Tenth and half a Fifteenth; alſo one Year's Subſidy on Woolls, at five Nobles a Sack, and on every 240 Wooll-fells; and the ſame Tonnage and Poundage as in the laſt Parliament. But he releaſed the Increaſe of 6*d.* in the Pound on Merchant Strangers,

The

The twelfth Year the Parliament granted a Tenth and a Fifteenth, to be levied on the Laity. They likewise granted the same Tonnage and Poundage given the last Year, for two Years to come; as also a Subsidy of 53*s.* 4*d.* on every Sack of Wooll for three Years ensuing; and, besides this, a Vote of Credit of 100,000 Marks.

In his fourteenth Year a very unusual Subsidy was granted, *viz.* That every Person holding any Frank Tenant in Lands, Annuities, Fees, Offices, or Hereditaments, above the yearly Value of 5*l.* should pay 6*d.* for every Pound upon his Oath. From 5*l.* to 100*l.* yearly, the same; from the last Sum to 400*l.* *per Ann.* 8*d.* a Pound; and above that to the highest Value, 2*s.* for every Pound. They also granted to the King a full Tenth and a Fifteenth on the Laity. A Subsidy also on every Sack of Wooll; 33*s.* 4*d.* from Merchants Denizens, and 46*s.* 8*d.* from Aliens; and so according to that Rate on the other Staple Ware, with Tonnage and Poundage for two Years.

[370]

In his fifteenth Year the Subsidies granted were the like Tenth and Fifteenth as in the last. Also the same Subsidy on Woolls, with Tonnage and Poundage, &c. was granted for three Years to come. A Vote of Credit also for 100,000*l.*

In his eighteenth Year a Tenth and a Fifteenth, and half a Fifteenth and a Tenth, was granted to be levied on the Laity, as in his fourth Year. An Imposit on Woolls was also granted for three Years; and that all Aliens, not Denizens, Men or Women, within the Realm, should pay to the King yearly 16*d.* for each, being an House-keeper; being none, 6*d.*

In his twentieth Year a Tenth and a Fifteenth; reserving 4000*l.* out of this Tax for decayed Towns and Villages. The same Subsidy on Woolls, &c. as in the last, for two Years next coming.

In his twenty-third Year half a Tenth and half a Fifteenth was granted by Parliament. Before this Parliament was dissolved there was also granted by it a whole Fifteenth and a Tenth, and a Half of each; reserving 6000*l.* out of the former, and 3000*l.* from the latter, for the Relief of poor Towns, desolate, wasted, or destroyed. Tonnage and Poundage, as before, was settled for three Years to come.

In

In his twenty-seventh Year a Grant of half a Tenth and half a Fifteenth, to be levied on the Laity, passed both Houses; with a Grant also of Tonnage and Poundage, for five Years to come, on all Merchants whatsoever, with an Addition of 3*s.* more on Aliens, as well of the *Hans* Towns as otherwise. Another Grant was also made of half a Tenth and half a Fifteenth. Likewise a Poll-Tax was again renewed and granted to the King of 16*d.* to be taken of every Householder within the Realm, not born within the King's Dominions, and 6*d.* of every other Person so born, and no Householder; with 6*s.* 8*d.* of every Merchant Stranger, and 20*d.* of their Clerks. Lastly, the like Subsidy on Woolls was granted for four Years, as before.

[37^r] The next Year the following Subsidy was granted, *viz.* That every Person having, by free Deed, Copy, Grant of Annuity, or Office, the clear yearly Value of 20*s.* in Frank Tenement, should pay 6*d.* and so from 20*s.* to 20*l.* From 20*l.* to 200*l.* yearly, 12*d.* in the Pound: From 200*l.* and upwards, 2*s.* for every Pound, as well Laity as Clergy; Guardians of Wards, Men having Fees, and all Corporations, to pay accordingly.

In his twenty-ninth Year he had a Grant of 20,000*l.* out of the Customs of *London* and *Southampton*; and a very extraordinary Monopoly was granted, in order to raise Money.

In his 30th and 31st Years this King had granted him one whole Fifteenth and a Tenth; reserving 6000*l.* for the Relief of poor Towns, &c. Tonnage and Poundage at 4*s.* with 2*s.* on every 20*s.* Value of Tin, to continue during Life. A Subsidy on Woolls was also granted, *viz.* 43*s.* 4*d.* for every Sack, the same on 240 Wooll-fells, and for every Last or 100 Hides, 5*l.* on Denizens. On Strangers 5*l.* for Wooll, the same for Wooll-fells, and 5*l.* 6*s.* 8*d.* on the Hides. Also Alien Merchants, residing in this Kingdom, were taxed at 40*s.* a Head *per Ann.* and if they staid but six Weeks, 20*s.* All these to continue for Life. In a second Session the same Year, half a Tenth and a Fifteenth.—No more Taxes in this Reign.

In the *Public Acts* is a Licence from the King to one *John Mistelden*, and three of his Servants, to carry on a Process in Alchemy for the Transmutation of Metals, or
to

to find out the Philosopher's Stone. There are no less than three Licences before, in this Reign, to different People, for this Piece of Folly or Knavery, which was still carried on to much greater Lengths in later Reigns. This Grant is specified, at the End, to be done by the King, *with the Authority of Parliament*, which shews the Ignorance and Credulity of that Age ^d.

But, in another Licence granted to *John Fauceby, John Kyrkby, and John Rayny*, about four Years after, this Mystery is farther explained in these Words :

Cum antiqui sapientes & famosissimi Philosophi, in suis Scriptis & Libris, sub Figuris & Integumentis, docuerint & relinquerunt, ex Vino, ex Lapidibus pretiosis, ex Oleis, ex Vegetabilibus, ex Animalibus, ex Metallis, & ex mediis Mineralibus multas Medicinas gloriosas & notabiles confici posse; & præsertim quandam pretiosissimam Medicinam, quam aliqui Medicorum Philosophorum Matrem, vel Imperatricem Medicinarum dixerunt; alii Gloriam inestimabilem eandem nominarunt; alii, vero Quintam-Essentiam, aliis Lapidem Philosophorum & Elixir Vitæ noncupaverunt; cujus Medicinæ Virtus tam efficax & admirabilis existeret, quod per eam quæcunque Infirmitates curabiles curarentur faciliter, Vita humana ad suam prorogaretur Terminum, & Homo in Sanitate & Viribus naturalibus, tam Corporis quam Animæ, Fortitudine Membrorum, Memoriam Claritate, & Ingenii Vivacitate, ad eundem Terminum mirabiliter præservaretur: Quæcunque etiam Vulnere curabilia sine Difficultate sanarentur, quæ, insuper, contra omne Genus Venenorum, foret summa & optima Medicina, sed ad alia plura commoda, nobis & Reipublicæ Regni nostri utilissima, per eandem fieri possent, veluti Metallorum Transmutationes in verissimum Aurum & finissimum Argentum, &c.

Licence from King Henry VI. to some Persons to find out the Philosopher's Stone.

Teste Rege apud *Westmonasterium*, 23 Aprilis, 1456, per ipsum Regem, & de Auctoritate Parliamenti ^e.

EDWARD IV. had no Subsidy granted him till the third Year of this Reign, when the Parliament gave him an Aid of 37,000 *l.* to be levied according to a certain Rate: But he afterwards released 6000 *l.* of the said Grant.

The

^d *Fæd. Ang.* Tom. XI, p. 309.

^e *Ibid.* p. 379.

The next Year he had Tonnage and Poundage of every *English* Merchant; for every Sack of Wooll, 33*s.* 4*d.* For every 240 Wooll-fells, 33*s.* 4*d.* For every Last of Hides, 3*l.* 6*s.* 8*d.* And of every Merchant Stranger, whether Denizens or not, for every Sack of Wooll, 3*l.* 6*s.* 8*d.* For every Last of Hides, 3*l.* 13*s.* 4*d.* For every 240 Wooll-fells, 3*l.* 6*s.* 8*d.* And all this was granted him for his Life.

In his eighth Year he had a Subsidy of two whole Tenths and two Fifteenths, to be levied on the Laity. This Year *Henry VI.* was restored; but soon after *Edward* recovered the Crown; and

[372]

In his twelfth Year the Commons voted a Supply of 13,000 Archers at their own Cost, the same to be levied according to a Proportion out of all Lands and Tenements. The Lords also taxed themselves by Way of Grant unto the King, towards furnishing the Forces aforesaid, the tenth Part of one whole Year's Revenue of their Lands and Possessions.

In his thirteenth Year the Commons granted the King one Tenth and one Fifteenth.

The next Year a Subsidy was granted by the Commons of a Tenth and a Fifteenth; also 51,117*l.* 4*s.* 7½*d.* for the Wages of the 13,000 Archers voted in his 12th Year.

In his fifteenth Year he had a Tenth, a Fifteenth, and a Third of each; besides this, the King raised Money after a new Invention, called a *Benevolence*.

In his twenty-second Year he had a Tenth and a Fifteenth granted him, to be levied on the Laity. The Clergy also granted a Tenth.

The Price of PROVISIONS, LABOUR, &c. during the Reigns of Henry VI. and Edward IV. by which a better Idea may be formed of the Value of the foregoing TAXES.

IN the Year 1423 Wheat sold for 8*s.* a Quarter, and Malt for 5*s.* ^f

In 1425 a Colt sold for 8*s.* Pease for 2*s.* 2*d.* a Quarter, and for 3½*d.* a Bushel; an Ox's Hide for 2*s.* 5*d.* a Cow's Hide for 1*s.* 3½*d.* and for 1*s.* 7½*d.* a Calf's Skin

Skin for $1\frac{1}{2}d.$ twenty-one Lambs for $4s.$ a Dozen of Sheep Skins for $3s.$ a Tod of pure Wooll for $9s. 6d.$ nineteen Ells of Napkin Cloth sold for $5s.$ a Gallon of Ale for $1\frac{1}{2}d.$ Red Wine at $8d.$ a Gallon, or Flaggon; Sweet Wine at $1s. 4d.$ a Stone-Cutter for a Day's Labour $4d.$ a Tyler $3\frac{1}{2}d.$ a Sawyer $4d.$ for twenty Pulletts $1s. 8d.$ for a Quarter of an Ox to salt $1s. 4d.$ for a Cade of Red Herrings (720 the Cade) $8s.$ for a Frail of Figs $3s. 4d.$ for twelve Pounds of Raisins $1s. 1d.$ for a great Flesh-Ax $1s. 4d.$ for two Yards of Rufflet Cloth for the Shepherd $2s. 2d.$ for four Quarters of Wheat to be malted $16s.$ for a Bay Horse for the Prior's Stable $1l. 6s. 8d.$ for two Colts $9s.$ for thirty Pair of Autumnal (Winter) Gloves for the Servants $4s.$ to the Baker's Servant for ten Days $1s.$ for threshing a Quarter of Wheat $3\frac{1}{2}d.$ for eight Woodcocks for a Present $1s.$ for twelve Pair of Gloves to the Bishop of Worcester's Servants $5s.$ for one Man plowing and harrowing twelve Days $1s.$ ^b

[373]

In the Year 1426, five Oxen, each apprais'd at $3s. 4d.$ six Cows, each at $2s. 8d.$ three Horses, each at $3s.$ ^c

In 1435 and 1436, Wheat, on account of a wet Autumn in 1434, sold for $1l. 6s. 8d.$ but the Year following it fell to $5s. 4d.$

In 1439, Wheat sold for $20s.$ a Quarter ^d; and also in some Places for $1l. 6s. 8d.$ ^e

In 1440, the Scarcity still continuing, Wheat sold for $1l. 4s.$ a Quarter; and Malt for $13s.$ Oats $5s. 4d.$ Wine $1s.$ a Gallon; and Bay Salt $1s.$ a Bushel.

From 1444, we have the following Account by Bishop Fleetwood ^f, viz. For an hundred Quarters of Wheat $21l. 13s. 4d.$ each Quarter at $4s. 4d.$ for two Bushels of Wheat for Seed $1s.$ for two Bushels of Pease for Seed also $1s.$ for five Quarters of Pease $15s.$ each Quarter at $3s.$ for fifty Quarters of Malt $10l.$ each Quarter at $4s.$ for six Calves $12s.$ each Calf at $2s.$ for eight Porkers $1l. 4s.$ each at $3s.$ without the Head; for 40 Geese $10s.$ each Goose at $3d.$ for 31 Dozen of

[374]

VOL. II.

B b

Pigeons

^b From a *Computus* of the Prior and Canon of *Burcester*, Co. *Oxon.* in *Kennet's Parochial Antiquities.*

^c *Spelman's Glossary*, under the Word *Graille.*

^d *Stowe's Chronicle.*

^e *Fabian.*

^f *Chronicon Pretiosum.*

Pigeons 10 s. 8 d. each Dozen at about $4\frac{1}{8}d.$ for 15 Dozen of Pigeons 7 s. 6 d. each Dozen at 6 d. for 100 Dozen of Pigeons, each Dozen at $5\frac{1}{2}d.$ for an Ox 1 l. 11 s. 8 d. for 8 Cygnets, or young Swans, each 3 s. for a Flitch of Bacon 1 s. 8 d. for 4 Oxen, young and lean 52 s. each at 13 s. for 26 Warp of Ling 1 l. 10 s. 4 d. for 100 Stock-Fish 17 s. 6 d. for a Barrel of Herrings, *i. e.* 30 Gallons fully packed, 1 l. for two Plough-Oxen 1 l. 3 s. for a Quarter of Oats 1 s. 8 d. for three Bushels of Green Pease for Seed 2 s. 3 d. At this Time it appears that Master-Traders wrought by the Day at 3 d. and their Labourers or Servants at 1 d. but then it is believed they had their Meat and Drink. The yearly Wages were, some 1 l. 6 s. 8 d. others 1 l.

In 1445 seven Quarters and a Half of Wheat came to 30 s. which is, each Quarter at 4 s. 6 d. Oats, by the Quarter, at 2 s. twelve Flaggon, or Gallons of Ale, 1 s. 6 d. each Gallon at $1\frac{1}{2}d.$ Hay, by the Load, 3 s. $6\frac{1}{2}d.$ for 3000 Red Herrings 1 l. 11 s. twenty-four Bullocks and Heifers 6 l. each Head at 5 s. Cloth for Surplices for Scholars, the Ell at 8 d. This was the same as used at the Altar, and therefore in those Days was certainly fine.

In a Statute made 24 *Henry VI.* ² for regulating Servants' Wages for Husbandry, it was enacted, That the Wages of a Chief Bailiff of Husbandry, by the Year, should be 24 s. 4 d. Cloathing of the Price of 5 s. with Meat and Drink; of a Chief Hind, Carter, or Chief Shepherd, 20 s. Cloathing of 4 s. Price, with Meat and Drink; of a common Servant for Husbandry 15 s. and Cloathing of the Price of 40 d. a Woman Servant 10 s. Cloathing of the Price of 4 s. with Meat and Drink; of a Child, within the Age of 14 Years, 6 s. Cloathing 3 s. with Diet. The same Rules to be observed in the Servants to Innkeepers, Victuallers, and Artificers in Cities, Towns, and elsewhere.

The Wages of any Free-Mason or Master-Carpenter, by the Day, not to exceed 4 d. with Meat and Drink; without, $5\frac{1}{2}d.$ Labourers, by the Day, 2 d. with Eating; without, $3\frac{1}{2}d.$ in Harvest the Wages of a Mower, by the Day, 4 d. with Meat and Drink; without, 6 d. a Man Reaper, or Carter, was to have 3 d. a Day, with Eating, and 5 d. without; and, lastly, a Woman Labourer,

bourer, or other Labourers, in Harvest, was allow'd $2\frac{1}{2}d.$ a Day, with Meat and Drink; without, $4\frac{1}{2}d.$

In 1447, Wheat, by the Quarter, 8*s.* Oats, the Quarter, 2*s.* $1\frac{1}{2}d.$

In 1448, Wheat, by the Quarter, 6*s.* 8*d.* Oats, the Quarter, 2*s.* a Cade of Red Herrings 5*s.* 8*d.* a Barrel of White Herrings 9*s.* 3*d.*

In 1449, Wheat, by the Quarter, 5*s.* a Cade of Red Herrings 6*s.* a Barrel of White Herrings 10*s.* 3*d.* fifteen Sheep at 1*l.* 16*s.* 10*d.* each Sheep at (within $\frac{1}{2}$) 2*s.* $5\frac{1}{2}d.$ seven Hogs at 13*s.* 8*d.* each Hog at (within $\frac{1}{2}$) 1*s.* $11\frac{1}{2}d.$

In 1450, Oats, the Quarter, 1*s.* 10*d.* Beans, the Quarter, 2*s.* 6*d.*

In 1451, Wheat, by the Quarter, 8*s.* Oats, the Quarter, 10*s.* $10\frac{1}{4}d.$ twenty-six Gallons of Ale 3*s.* each Gallon at $1\frac{1}{2}d.$ Beans, the Quarter, 3*s.* 4*d.* for a Cade of Red Herrings 7*s.* 4*d.* for a Barrel of White Herrings, 13*s.* 7*d.* [375]

In 1453, Wheat, by the Quarter, 5*s.* 4*d.* Ale, *per* Gallon, $1\frac{1}{4}d.$ a Cade of Red Herrings 7*s.* 6*d.* Four-score White Herrings 1*s.*

In 1454, Oats, by the Quarter, 1*s.* $10\frac{1}{2}d.$

In 1455, Wheat very cheap, the Quarter, 1*s.* 2*d.* Malt, the Quarter, 1*s.* 5*d.*

In 1457, Wheat, the Quarter, 7*s.* 8*d.* Oats, the Quarter, 1*s.* $9\frac{1}{4}d.$ a Gallon of Ale 1*d.* a Cade of Red Herrings 6*s.* 8*d.* ninety-two White Herrings 1*s.*

In 1459, Wheat, by the Quarter, 5*s.* Oats, the Quarter, 8*s.* 10*d.* a Gallon of Ale 1*d.* a Cade of Red Herrings 7*s.* $10\frac{1}{2}d.$ ninety-two White Herrings 1*s.*

In 1460, Wheat the Quarter, 8*s.* Oats, the Quarter, 2*s.* a Gallon of Ale 1*d.* a Cade of Red Herrings 7*s.* 192 White Herrings 2*s.*—Here the Bishop takes Notice, that, from 1440 to 1460, Wheat was never above 8*s.* the Quarter, notwithstanding the Sword was drawn betwixt the Houses of *York* and *Lancaster*, which usually cuts down Corn as well as Men.

An. 2 Edward IV. 1462, an Act was made against the Importation of foreign Corn, when the Price of Wheat did not exceed 6*s.* 8*d.* a Quarter, Rye 4*s.* and Barley 3*s.* ^h

In 1463 Wheat sold at *London* for 2*s.* a Quarter; Barley at 1*s.* 10*d.* Pease 3*s.* 4*d.* Oats 1*s.* 2*d.* Also the same Year, in *Norfolk*, Wheat sold for 1*s.* 8*d.* Barley 1*s.* Malt 1*s.* 8*d.* Oats 1*s.* ¹

In 1464 White Wheat sold for 6*s.* 8*d.* a Quarter ^k.

In 1475 Oats sold for 1*s.* 10*d.* a Quarter, and a Load of Hay for 6*s.* 8*d.* ¹

[376]
 K. Edward V. BY the Death of King *Edward* IV. the first Prince of the *York* Line, the Inheritance of the Crown descended, by Right of Succession, to his eldest Son, *Edward*, then Prince of *Wales*; who, from the Day of his Father's Death, was stiled King of *England*, and proclaimed as such, by the Name of *Edward* V. being then about thirteen Years of Age.

His Accession,

This is the Preamble that the great Sir *Thomas More* gives to his Life and Reign of this unfortunate young King; whose State and Dignity was soon undermined by his unnatural and barbarous Uncle, *Richard* Duke of *Gloucester*. The short Reign, if we may so call it, of this Prince, was so wholly taken up with the wicked Intrigues of his Uncle to dispossess him, that no Parliament could be called; for he was not even suffered to live to his Coronation. Therefore,

To the particular Writer above-mentioned of this King's Life, and to the more general *English* Historians, we must refer our Readers; since all that was done in this short Interval of Sovereignty, relating to our Purpose, will be comprized in the Reign of the Successor, this young King and his Brother being both taken off, by cruel Means, to make Way for him.

Edward V. begun his Life, and ended it, in a very unhappy Manner; for he was born in a *Sanctuary*, and died in a *Prison*. He first saw Light in *Westminster* Abbey, where his Mother had taken Sanctuary after the Earl of *Warwick* had driven her Husband, *Edward* IV. out of the Kingdom in *September*, 1470; and he was murdered in the Tower of *London*, in *July*, 1483, a little while after his Uncle *Richard*'s Coronation.

And Murder.

RICHARD

¹ *Stowe's Chronicle.*

^k *Rot. Parl.* 4 *Edward* IV.

¹ *Fleetwood's Chron. Pretiosum.*

RICHARD III. waded to the Throne through K. Richard III.
 almost an Ocean of Blood, drawn from his nearest
 Relations; how long his ambitious Designs had been
 settled in his Breast is uncertain; but it is probable they
 had been a great while resident there, and at length
 had brought him to a fixed Determination of obtaining
 the Crown at any Price. It is more than suspected that
 he had a principal Hand in bringing his Brother *Clarence*
 to his Death; and, by gaining an Act of Attainder to
 pass against him, this Duke's Children were effectually
 cut off from succeeding to the Crown^m. A Bulwark
 so formidable being removed, *Richard's* next Step, after
 his Brother King *Edward's* Death, was to try to get
 his Children declared illegitimate; to put to Death all
 their Relations by the Mother's Side; and, lastly, to
 make sure Work, to have the two young Princes mur-
 dered as aforesaid. These Obstacles being all taken out
 of his Way, it is certain that *Richard's* Title to the
 Crown was uncontested; being then the only remain-
 ing Male Heir that could inherit from his Father *Rich-*
ard Duke of *York*, on whom, and his Descendants, the
 Crown had been intailed by Act of Parliament. There
 was indeed one more Impediment to his Happiness left;
 and that was the Princess *Elizabeth*, eldest Daughter to
Edward IV. and his own Neice; But he had well con-
 trived a Solution for this Difficulty, tho' not so cruel as
 the former in the Main; for tho' he was obliged to de-
 stroy his own Wifeⁿ to effect it, yet his Design was to
 marry his Neice *Elizabeth* himself, in order to prevent
 any other Person from doing it; and thereby to raise up
 still disputed Titles to the Crown. But more of this in
 the Sequel.

His wicked Con-
 trivances to se-
 cure the Crown
 to himself.

[578]

The very first Year of *Richard's* Reign was much
 disturbed by a dangerous and powerful Conspiracy form-
 ed against him, at the Head of which was the Duke of
Buckingham. This Lord had been the chief Instrument
 in raising *Richard* to his present Greatness; but, as some
 relate, because he would not consent to the Murder of

B b 3 the

^m See before, p. 361, 373.

ⁿ She was Daughter to the famous Earl of *Warwick*, first married to
Edward Prince of *Wales*, and afterwards to this Monster of Mankind, one
 of her Husband's Murderers. The Courtship, on this extraordinary Occa-
 sion, between *Richard* and the Widow, is finely drawn up by *Shakespeare*
 in his Tragedy of *Richard* III.

K. Richard III. the two young Princes, and being denied the Earldom and Inheritance of *Hereford*, which he claimed by Promise, he abruptly left the Court: Soon afterwards, in order to secure himself from *Richard's* Malice, who now watched all Opportunities to destroy him, he readily joined with those who had engaged in a Conspiracy to dethrone *Richard* and set up the Earl of *Richmond*, the only remaining Branch of the *Lancastrian* Family; and, by a Marriage of this Prince with *Elizabeth*, the late King's Daughter, perfectly to reconcile and consolidate the *White* and *Red-Rose* Factions. To this End the Duke of *Buckingham* raised Forces; but was soon, by an unforeseen Accident, prevented from effecting any Thing; forced to fly for Security to the House of an old Servant, who betrayed him to *Richard*; and, at *Salisbury*, lost his own Head, as an Attonement for the Crime he had committed in setting a Crown on the Head of his Adversary.

A Conspiracy
against him, in
Favour of Henry
Earl of Richmond,
defeated.

Anno Regni r. 1484. In the short Reign of this King we meet but with one Parliament, which was called to *Westminster*, January the 23d, in the first Year of it. The Form of the Writ of Summons, directed to *Thomas* Archbishop of *Canterbury*, the rest of the Bishops, Abbots, Priors, &c. and to the Temporal Lords, is as usual; the first Writ, to the latter, is directed to his most dear first-born Son, *Edward* Prince of *Wales*, Duke of *Cornwall*, and Earl of *Chester*. This Prince, who was then about ten Years of Age, had been so created at *York*, some Months before, at his Father's second Coronation in that City°. He enjoyed this Dignity but for a small Time, for he died the next Year; and lived not to see his Father's dismal Catastrophe, nor to taste perhaps of greater Misery himself. The rest of the Peers, as they stand in *Dugdale's* Catalogue, are as follow:

At Westminster.

[379]

<i>John</i> Duke of <i>Norfolk</i> ,	<i>Henry</i> Earl of <i>Northumber-</i>
<i>John</i> Duke of <i>Suffolk</i> .	land,
<i>William</i> Earl of <i>Arundele</i> ,	<i>William</i> Earl of <i>Hunting-</i>
<i>Edmund</i> Earl of <i>Kent</i> ,	don,
<i>Ralph</i> Earl of <i>Westmoreland</i> ,	<i>Thomas</i> Earl of <i>Surrey</i> ,
	<i>William</i>

° See a particular Account of this King's Coronation at *York* in *Drake's Eboracum*, p. 117.

<i>William Earl of Nottingham,</i>	<i>Thomas Lord Lumley, of K. Richard III.</i>
<i>Francis Viscount Lovel,</i>	<i>Lumley,</i>
<i>Edward Viscount Lisle,</i>	<i>Thomas Lord Stanley, of</i>
<i>Ralph Lord Greystock,</i>	<i>Stanley,</i>
<i>John Lord Scrope, of Masham,</i>	<i>John Broke, Lord Cobham,</i>
<i>Richard Lord Beauchamp, of Beauchamp,</i>	<i>John Blount, Lord Mountjoy,</i>
<i>John Lord Audley,</i>	<i>John Stourton, Ld. Stourton,</i>
<i>George Lord Nevile, of Bergavenny,</i>	<i>John Sutton, Lord Dudley,</i>
<i>Reginald Lord Grey, of Wilton,</i>	<i>John Lord Dynham, of Care-Dynham,</i>
<i>George Stanley, Lord de la Strange,</i>	<i>Richard Lord Fitz-Hugh,</i>
<i>Henry Lord Grey,</i>	<i>John Lord Zouch,</i>
<i>Richard West, Lord de la War,</i>	<i>Thomas Arundele, Lord Maltravers,</i>
<i>Walter Devereux, Lord Ferrers,</i>	<i>Humphrey Lord Dacre, of Gilfland,</i>
<i>John Lord Scrope, of Bolton,</i>	<i>John Lord Gray, of Powis,</i>
	<i>William Lord Hastings, of Welles,</i>
	<i>Owen Lord Ogle, of Ogle,</i>
	<i>Edward Lord Hastings, of Hungerford.</i>

The Names of the Judges summoned also to this Parliament were these: [380]

<i>Sir William Husee, Knt.</i>	<i>Sir Richard Neal,</i>
<i>Chief Justice,</i>	<i>Sir Thomas Tremayle,</i>
<i>Sir Thomas Brian,</i>	<i>Sir John Vavasour,</i>
<i>Sir Guy Fairfax,</i>	<i>AND</i>
<i>Sir William Jenny,</i>	<i>Morgan Kidwelly, Esq; the</i>
<i>Sir John Catesby,</i>	<i>King's Attorney-General.</i>
<i>Sir Roger Townsend,</i>	

On the Day appointed, viz. Jan. 23, Anno Regni 1, the King being seated on his Throne in the Painted Chamber, within the Palace of *Westminster*, the other two Estates of the Realm attending, the Venerable Father John Bishop of *Lincoln**, then Chancellor of *England*, opened the Session with a Speech, taking for his Text, *In Corpore multa quidem sunt Membra, non autem omnia*

* This Bishop of *Lincoln* was John Ruffel, who occurs Bishop in 1480, 20 Edward IV. and died so Anno 1494. *Le Neve's Fasti.*

K. Richard III. *omnia eundem Actum habent.* In which Words, says the Record, the Duty and Fidelity which Subjects owe to their King as their principal Member, he very learnedly and politely shewed.—The rest of this Speech is so obliterated in the Original, that very little Sense can be made of it: Only that, at the Conclusion, he told the House of Commons the King commanded them to go and chuse a Speaker, and present him to his Majesty for his Approbation.

WILLIAM
CATESBY, Esq;
chosen Speaker.

The Receivers and Triers of Petitions being appointed, as antiently, on the fourth Day of the Meeting the Commons presented *William Catesby*, Esq; for their Speaker; whose Excuse for Insufficiency not being allowed, he made the usual Protestation, and was confirmed.

The next Thing we find on Record in the Proceedings of this Parliament, is the Grant of a Subsidy; which, according to the antient Custom of Parliaments, is put down first, though it was the last Act done in it: For we are told in the Preamble to this Grant, that it was presented to the King by *William Catesby*, Esq; the Speaker of the Commons, by and with the Consent of the Lords Spiritual and Temporal, on the 20th Day of *February*, which is there said to be the last Day of the Sitting of this present Parliament.

A Subsidy.

By this Act, in whose Preface it is said to be *For the Worship of God*, the Commons granted to the King a Subsidy called a Tonnage, to be taken in Manner and Form following; that is to say, 3 s. of every Ton of Wine imported, and for every Ton of sweet Wine brought in by any Merchants Alien, 6 s. to have and receive yearly the said Subsidy for the Term of his Life. Moreover, the Commons, with the Assent aforesaid, granted another Subsidy called Poundage, which was of every Sort of Merchandize, imported or exported by any Merchant, Denizen or Alien, of the Value of twenty Shillings, 12 d. except Tin; on which was laid a Tax of 2 s. on every Pound Value of that Commodity for Merchant Strangers, and 12 d. for Denizens, to be enjoyed also for Life. By this Act there was also granted a Subsidy on Wooll, Wooll-fells, and Hides exported; that is, on every Sack of Wooll, 33 s. 4 d. for every 240 Wooll-fells, the same; and for each Last of Hides, 3 l. 6 s. 8 d. A double

double Sum on the two first Articles for Alien Merchants, with 3*l.* 13*s.* 4*d.* for Hides; with two Provisoos to except out of this Act the Merchants of Spain and those of the *Hans Towns* in Germany, having a House in London, commonly called *Guildhalla Teutonorum*.

Next, after the Grant of this Subsidy, on the *Record*, follows the Act of Settlement of the Crown on this King and his Issue, with a long Recapitulation of his Title to it, &c. We chuse to give this at large, as well for the Rarity of it, as because it is not taken Notice of, except by one ^a, by any Writer of *English History* whatsoever. In the *Abridgement of the Parliament Rolls* in the Tower of London, it is given as the last Article; but not ushered in by Writs of Summons, Names of the Peers, nor Speech from the Throne, or from the Lord-Chancellor, declaring the Cause of the Meeting. Neither is there any Speaker of the House of Commons named, nor any Tax or Subsidy mentioned; most or all of which we have supplied from the *Roll* itself, as is before given. There are, however, in the *Abridgement*, some Marginal Notes, added by Mr. *Prynne*, which amply shew his great Zeal, and which we shall subjoin to this Act.

Anno primo RICHARDI Tertii.

[385]

In Rotulo Parlamenti tenti apud Westm. Die Veneris viceffimo-tertio Die Januarii, Anno Regni Regis Richardi Tertii primo, inter alia continentur ut sequitur.

Memorandum, Quod quædam Billa exhibita fuit coram Domino Rege in Parlamento prædicto, in hæc Verba:

‘ **W** Hereas late heretofore, that is to say, before the
‘ Consecration, Coronation, and Inthronization
‘ of our Sovereign Lord King Richard III. a Roll of
‘ Parchment, containing, in Writing, certain Articles of
‘ the

^a *John Speed*, p. 713. This Author concludes his Abstract of this Bill with this Remark: ‘ These Things I have laid forth, more at large, out of the *Parliament Roll*, that ye may understand both what and how great Matters the Power of a Prince, the outward Shew of Virtue, the wily Fetches of Lawyers, sawning Hope, pensive Fear, Desire of Change, and goodly Pretences, are able to effect in that most wise Assembly of all the Estates in the Kingdom, even against all Law and Right; so the Saying of *Solomon* in this State seemed most true, That a living Dog is better than a dead Lion.’

K. Richard III. ' the Tenor under-written, on the Behalf, and in the
 ' Name, of the Three Estates of this Realm of Eng-
 ' land; that is to say, of the Lords Spiritual and Tem-
 ' poral, and of the Commons by Name, and other No-
 ' bles and notable Persons of the Commons in great
 ' Multitude, was presented and actually delivered unto
 ' our said Sovereign Lord, the Intent and Effect express'd
 ' at large in the same Roll; to the which Roll, and to
 ' the Considerations and instant Petition comprized in
 ' the same, our said Sovereign Lord, for the public Weal
 ' and Tranquillity of this Land, benignly assented.

[386]

A Petition pre-
 sented by several
 Lords and Com-
 mons out of Par-
 liament to Rich-
 ard, when Duke
 of Gloucester, de-
 clared as valid as
 though done in
 Parliament.

' Now, forasmuch as neither the said Three Estates,
 ' neither the said Persons, which in their Name presented
 ' and delivered, as it is aforesaid, the said Roll unto our
 ' said Sovereign Lord the King, were assembled in *Form*
 ' of Parliament; by reason whereof divers Doubts,
 ' Questions, and Ambiguities being moved and ingen-
 ' dered in the Minds of divers Persons, as it is said ^b:

' Therefore, to the perpetual Memory of the Truth,
 ' and Declaration of the same, be it ordained, provided,
 ' and established in this present Parliament, That the
 ' Tenor of the said Roll, with all the Contents of the
 ' same, presented as is aforesaid, and delivered to our
 ' aforesaid Sovereign Lord the King, in the Name and
 ' in the Behalf of the said Three Estates out of Parlia-
 ' ment ^c, be now, by the said Three Estates assembled
 ' in this present Parliament, and by Authority of the
 ' same, ratified, inrolled, recorded, approved, and au-
 ' thorized, to the removing of the Occasions of Doubts
 ' and Ambiguities, and to all other lawful Effects that
 ' shall now thereof ensue; so that all Things said, af-
 ' firmed, specified, desired, and remembered in the said
 ' Roll, and in the Tenor of the same, under-written in
 ' the Name of the said Three Estates, to the Effect ex-
 ' pressed in the said Roll, be of the like Effect, Virtue,
 ' and Force, as if all the same Things had been so said,
 ' affirmed, specified, and remembered in full Parliament,
 ' and by Authority of the same accepted and approved;

' The

^b Things done and concluded without the Three Estates in Parliament give little or no Satisfaction to the People, tho' in the Name of the Parliament and the Three Estates. *Mr. Prynne's Notes.*

^c The Three Estates must concur to make a Parliament, else his Title would neither be valid nor satisfactory, but ambiguous as before, no one or two of them being a full or real Parliament, but all conjoined. *Ibid.*

‘ The Tenor of the said Roll of Parchment, whereof ^{K. Richard III.}
‘ above is made Mention, followeth, and is such. [387]

To the High and Mighty Prince RICHARD, Duke of
GLOUCESTER,

‘ **P**leaseth it your Noble Grace to understand the <sup>The Petition it-
self,</sup>
‘ Considerations, Election, and Petition under-
‘ written, of us the Lords Spiritual and Temporal, and
‘ Commons of this Realm of *England*, and thereunto
‘ agreeable to give your Assent to the common and
‘ public Weal of this Land, and to the Comfort and
‘ Gladness of all the People of the same ^d.

First, ‘ We consider how that heretofore, in Time
‘ past, this Land for many Years stood in great Pro-
‘ sperity, Honour, and Tranquillity; which was caus-
‘ ed for so much as the Kings reigning used and follow-
‘ ed the Advice and Counsel of certain Lords Spiritual
‘ and Temporal, and other Persons of approved Sage-
‘ ness, Prudence, Policy, and Experience, dreading
‘ God, and having tender Zeal and Affection to indiffe-
‘ rent Administration of Justice, and to the common
‘ and public Weal of the Land: Then our Lord God
‘ was dreaded, loved; and honoured; then within the
‘ Land was Peace and Tranquillity, and among the
‘ Neighbours, Concord and Charity; then the Malice
‘ of outward Enemies was mightily resisted and repres-
‘ sed, and the Land honourably defended with many
‘ great and glorious Victories; then the Intercourse of
‘ Merchants was largely used and exercised; by which
‘ Things above remembered, the Land was greatly
‘ enriched, so that as well the Merchants as the Arti-
‘ ficers, and other poor People, labouring for their
‘ Living in divers Occupations, had competent Gain, to
‘ the Satisfaction of them and their Households, living
‘ without miserable and intolerable Poverty. But after-
‘ wards, when as such had the Rule and Governance of
‘ this Land, delighting in Adulation and Flattery, and led
‘ by Sensuality and Concupiscence, followed the Counsel
‘ of Persons insolent, vicious, and of inordinate Avarice,
‘ despising the Counsel of Persons good, virtuous, and
‘ prudent, such as above be remembered, the Prosperity

[388]

^d The new Device of this bloody Usurper, to intitle himself to the
Crown of *England*, and take upon him the Regal Government. *Prynne.*

K. Richard III.

ty of this Land decreased daily, so that our Felicity was turned into Misery, and our Prosperity into Adversity, and the Order of Policy, and the Laws of God and Man, confounded; whereby it is likely for this Realm to fall into great Misery and Desolation, (which God defend) without due Provision of covenable Remedy be had in this Behalf in all godly Haste.

Over this, among other Things more special, we consider how, in the Time of the Reign of *Edward IV.* late deceased, after the ungracious pretended Marriage (as all *England* hath Cause to say) made betwixt the said King *Edward* and *Elizabeth*, some Time Wife to Sir *John Gray*, Knight, late naming herself, and many Years heretofore, Queen of *England*, the Order of politic Rule was subverted, the Laws of God, and of God's Church, &c. also the Laws of Nature and of *England*, and also the laudable Customs and Liberties of the same, wherein every *Englishman* is Inheritor, was broken, subverted, and contemned, against all Reason and Justice; so that the Land was ruled by Self-Will and Pleasure, Fear and Dread; all Manner of Equity and Law laid apart and despised; whereof ensued many Inconveniences and Mischiefs, as Murders, Extortions, and Oppressions, namely, of poor and impotent People; so that no Man was sure of his Life, Land, or Livelihood, nor of his Wife, Daughter, or Servant, every good Maiden and Woman standing in Fear to be ravished and deflowered. And, besides this, what Discords, inward Battles, Effusion of Christian Men's Blood, and namely, by the Destruction of the Nobles' Blood of this Land, was had and committed within the same, is evident and notorious through all this Realm, unto the great Sorrow and Heaviness of all true *Englishmen*. And here also we consider, how that the said pretended Marriage betwixt the above-named King *Edward* and *Elizabeth Gray* was made of great Presumption, without the Knowing and Assent of the Lords of this Land, and also by Sorcery and Witchcraft committed by the said *Elizabeth*, and her Mother *Jaquet*, Duchess of *Bedford*, as the common Opinion of the People, and the public Voice and Fame is throughout all this Land; and hereafter, if the

Wherein King
Edward the
Fourth's Mar-
riage with Lady
Gray is declared
void,

[389]

Liberties and Laws every *Englishman's* Inheritance. *Prynne.*

the Cause shall require, shall be proved sufficiently in *K. Richard III.*
 Time and Place convenient. And here also we consider, how that the said pretended Marriage was made privily and secretly, without Edition of Banns, in a private Chamber, a profane Place, and not openly in the Face of the Church, after the Laws of God's Church; but contrary thereunto, and the laudable Custom of the Church of *England*: And how also, at the Time of the Contract of the same pretended Marriage, and before and long Time after, the said King *Edward* was and stood married, and troth-plight, to one Dame *Eleanor Butler*, Daughter to the Earl of *Shrewsbury*, with whom the said King *Edward* had made a Pre-contract of Matrimony, long Time before he made the said pretended Marriage with the said *Elizabeth Gray*, in Manner and Form aforesaid. Which Premisses being true, as in very Truth they be true, it appeareth and followeth evidently that the said King *Edward*, during his Life, and the said *Elizabeth* lived together sinfully and damnably in Adultery, against the Law of God and of his Church; and therefore no Marvel that the Sovereign Lord and Head of the Land being of such ungodly Disposition, and provoking the Ire and Indignation of our Lord God, such heinous Mischiefs and Inconveniences, as are above remembered, were used and committed in the Realm amongst the Subjects. Also it appeareth evidently, and followeth, that all the Issue and Children of the said King *Edward* be Bastards, and unable to inherit, or claim, any Thing by Inheritance by the Law and Custom of *England*. *And his Children illegitimate.*

[390]

Moreover, we consider how that afterwards, by the Three Estates of this Realm assembled in Parliament, holden at *Westminster*, Anno 17 of the Reign of the said King *Edward IV.* he then being in Possession of the Crown and Royal Estate, by an Act made in the same Parliament, *George Duke of Clarence*, Brother to the King *Edward* now deceased, was convicted and attainted of High Treason, as in the said Act is contained more at large; because and by reason whereof all the Issue of the said *George* was and is disabled and barred of all Right and Claim that in any Case they might have, or challenge by Inheritance, to the Crown *The Duke of Clarence attainted by Parliament.*
 His Issue thereby not inheritable, but incapable to claim the Crown.
 and

K. Richard III. ' and Dignity Royal of this Realm, by the antient Laws
' and Customs of this same Realm.

Richard III. de-
clared undoubted
Heir thereto.

[391]

' Over this, we consider that you be the undoubted
' Heir of *Richard Duke of York*, very Inheritor of the
' said Crown and Dignity Royal, and as in Right King
' of *England* by Way of Inheritance; and that at this
' Time, the Premises duly consider'd, there is none other
' Person living but you only that may claim the said
' Crown and Dignity Royal by Way of Inheritance, and
' how that you be born within this Land; by reason
' whereof, as we deem in our Minds, you be more na-
' turally inclined to the Prosperity and common Weal
' of the same; and all the Three Estates of the Land
' have, and may have, more certain Knowledge of your
' Birth and Filiation aforesaid. We consider also the
' great Wit, Prudence, Justice, Princely Courage, and
' the memorable and laudable Acts in divers Battles,
' which as we by Experience know you heretofore have
' done, for the Defence and Salvation of this Realm;
' and also the great Nobleness and Excellency of your
' Birth and Blood, as of him that is descended of the
' three most Royal Houses of Christendom; that is to say,
' *England, France, and Spain*^f: Wherefore, these Pre-
' mises duly by us considered, we desiring effectually
' the Peace, Tranquillity, and Weal public of this Land,
' and the Reduction of the same to the antient honour-
' able Estate and Prosperity: And having, in your
' great prudent Justice, princely Courage, and excellent
' Virtue, singular Confidence, have chosen by all that
' in us is, and by that our Writing chuse you, High and
' Mighty Prince, our Sovereign Lord^g, to whom we
' know of certain it appertaineth of Inheritance so to be
' chosen^h. And hereupon we humbly desire, pray, and
' require your Most Noble Grace, that, according to this
' Election of us the Three Estates of your Land, as by
' Inheritance, you will accept and take upon you the
' said Crown and Royal Dignity, with all Things there-
' unto annexed and appertaining, as to you of Right
' be-

^f His pretended Virtues and Fitness to reign as King; his Valour in Battle; his Honourable and Royal Birth; without one Word of his desperate Treasons, Regicides, Murders, Hypocrisy, and other Vices. *Prynne.*

^g His Election by the Three Estates, and this Instrument, to be King of *England.* *Ibid.*

^h They make his hereditary Title the Ground of their Choice. *Ibid.*

‘ belonging, as well by Inheritance as by lawful Elec- K. Richard III.
 ‘ tion¹; and, in case you so do, we promise to assist and [392]
 ‘ serve your Highness, as true and faithful Subjects and
 ‘ Liegemen, and to live and die with you in this Mat-
 ‘ ter, and every other just Quarrel; for certainly we be
 ‘ determined rather to adventure and commit us to the
 ‘ Peril of our Lives and Jeopardy of Death, than to live
 ‘ in such Thralldom and Bondage as we have done
 ‘ long Time heretofore; oppressed and injured by Ex-
 ‘ tortions and new Impositions, against the Law of
 ‘ God and Man, and the Liberties and old Policy and
 ‘ Laws of this Land, wherein every *Englishman* is in-
 ‘ herited^k. Our Lord God, King of all Kings, by
 ‘ whose infinite Goodness and eternal Providence all
 ‘ Things are principally governed in this World, lighten
 ‘ your Soul, and grant you Grace to do as well in this
 ‘ Matter as in all others, that which may be according
 ‘ to his Will and Pleasure, and to the common and pub-
 ‘ lic Weal of this Land: So that, after great Clouds,
 ‘ Troubles, Storms, and Tempests, the Sun of Justice
 ‘ and of Grace may shine upon us, to the Joy and Com-
 ‘ fort of all true-hearted *Englishmen*^l.

‘ Albeit that the Right, Title, and Estate which our His Hereditary
 ‘ Sovereign Lord King *Richard III.* hath to, and in, the Title to the
 ‘ Crown and Royal Dignity of this Realm of *England*, Crown by the
 ‘ with all Things thereunto within the same Realm, and Law of God and
 ‘ without it, annexed and appertaining, being just and Nature.
 ‘ lawful, as grounded upon the Laws of God and Na-
 ‘ ture, and also upon the antient Laws and laudable
 ‘ Customs of this said Realm; and also taken and repu- [393]
 ‘ ted as such by all Persons, being learned in the above-
 ‘ said Laws and Customs^m.

‘ Yet nevertheless, forasmuch as it is considered, that
 ‘ the most Part of the People are not sufficiently learned
 ‘ in

¹ Their Petition and Importunity to him to accept of the Crown, tho’
 himself most eagerly thirsted after it; and his hereditary Right thereto
 seconded by their Election. *Prynne.*

^k Their Promise to assist, serve, and obey him, upon his Acceptance
 thereof, as his Subjects, and to live and die with him; and their pre-
 tended great Thralldom, Bondage, Oppressions, &c. under his Predeces-
 sors. *Ibid.*

^l Their Prayer for him, and their great Trouble, occasioned partly by
 himself. *Ibid.*

^m The Lawyers flatter and approve his Title. The common People
 ignorant in the Laws, *Ibid.*

K. Richard III. ' in the abovesaid Laws and Customs, whereby the
 ' Truth and Right in this Behalf of Likelihood may be
 ' hid, and not clearly known to all the People, and there-
 ' upon put in Doubt and Question. And over this, how
 ' that the Court of Parliament is of such Authority, and
 ' the People of this Land are of such a Nature and Dis-
 ' position, as Experience teacheth, that Manifestation or
 ' Declaration of any Truth or Right, made by the Three
 ' Estates of this Realm assembled in Parliament, and by
 ' Authority of the same, maketh, before all other Things,
 ' most Faith and certain quieting of Men's Minds, and
 ' removeth the Occasion of Doubts and seditious Lan-
 ' guageⁿ.

The Crown set-
 tled and intailed
 on him and the
 Heirs of his Body
 ' Therefore, at the Request, and by the Assent of the
 ' Three Estates of this Realm, that is to say, the Lords
 ' Spiritual and Temporal, and Commons of this Land,
 ' assembled in this present Parliament, and by Authority
 ' of the same, be it pronounced, decreed, and declared,
 ' That our said Sovereign Lord the King was, and is, the
 ' very undoubted King of this Realm of *England*, with
 ' all Things thereunto within the same Realm, and with-
 ' out it, united, annexed, and appertaining, as well by
 ' Right of Consanguinity and Inheritance, as by lawful
 ' Election, Consecration, and Coronation^o.

[394]

His Son declared
 Heir apparent.
 ' And over this, that, at the Request, and by the Assent
 ' and Authority abovesaid, be it ordained, enacted, and
 ' established, That the said Crown, and Royal Dignity of
 ' this Realm, and the Inheritance of the same, and all
 ' other Things thereunto within this Realm, or without
 ' it, united and annexed, and now appertaining, rest and
 ' abide in the Person of our said Sovereign Lord the King,
 ' during his Life, and, after his Decease, in his Heirs of
 ' his Body begotten, in especial at the Request, and by
 ' Assent, and the Authority aforesaid, be it ordained, en-
 ' acted, established, pronounced, decreed, and declared,
 ' That the High and Excellent Prince *Edward*, Son of
 ' our said Lord the King, be Heir Apparent of the same

our
ⁿ The Parliament's Authority with the People, when true, free, and
 real, consisting of the Three Estates. It's Declaration quieteth all Men's
 Minds, removeth all Doubts and Seditions; yet he that considers 39 *Hen-*
ry VI. p. 294, or 1 *Ed. IV.* p. 314, will scarce believe this for a Truth,
 neither proved it so in his own Case. The Three Estates must all concur
 to make a Parliament, and valid Election. *Prynne.*

^o They decree and declare him the undoubted King of this Realm, by
 Inheritance and their lawful Election coupled together. *Ibid.*

our Sovereign Lord the King, to succeed to him in the ^{K. Richard III.} aboveſaid Crown and Royal Dignity, with all Things (as is aforeſaid) thereunto united, annexed, and appertaining, to have them after the Deceafe of our ſaid Sovereign Lord the King, to him, and to the Heirs of his Body lawfully begotten.

Quæ quidem Billa Communibus Regni Angliæ in dicto Parlamento exiſtentibus transportata fuit, cui quidem Billæ idem Communes Affenſum ſuum præbuerunt ſub hiis Verbis: A ceſte Bille les Communs ſont aſſentes; quibus quidem Billa & Affenſu coram Domino Rege in Parlamento prædicto, lectis, auditis, & plene intellectis, & de Affenſu Dominorum Spiritualium & Temporalium in dicto Parlamento ſimiliter exiſtentium, & Communitatis prædictæ; nec non Authoritate ejusdem Parlamenti pronunciatum, decretum, & declaratum eſt, omnia et ſingula in Billa prædicta contenta fore vera & indubia; ac idem Dominus Rex, de Affenſu dictorum trium Statuum Regni, & Authoritate prædicta, ominia & ſingula præmiſſa in Billa prædicta contenta concedit, & ea pro vero & indubio pronunciat, decernit, & declarat⁹.

Next follows, on the *Roll*, a long Act of Attainder ^{The Duke of Buckingham and other Lords attainted,} againſt *Henry* late Duke of *Buckingham*, *John* Biſhop of *Ely*, *Henry*, calling himſelf, Earl of *Richmond*, and *Jaſper* late Earl of *Pembroke*, with ſeveral Knights, and Men of lower Degree a great Number. Againſt the Duke it is particularly alledged in the Act, 'That he, of late Days, ſtanding and being in as great Favour, tender Truſt, and Affection with the King our Sovereign Lord as ever any Subject was with his Prince and Liege Lord, as was notoriously and openly known by all this Realm; not being content therewith, nor with the good and politic Government of his ſaid Sovereign Lord, but replete with Malice, Rancour, and inſatiable Covetice, did with, &c.' The whole of this Act of Attainder is very remarkable, and ought to be particularly noticed by a more general Hiſtorian; but is much too long for our Deſign.

At the End of this Act is another, For enabling the King to make Grants of the Lands of the Perſons attainted:

K. Richard III. tainted: Likewise another particular Act of Attainder against *John [Morton]* stiled late Bishop of *Ely*, (for *Richard* had deprived him, though he afterwards was made Archbishop of *Canterbury* by his Successor) *Lyonel [Woodvill]* Bishop of *Salisbury*, and *Piers'* Bishop of *Excester*. These Reverend Prelates were accused by this Act, for 'That they, with a malicious and traitorous Intent, against Justice and Fidelity due to the Crown and Royal Majesty of *England*, had confederated and conspired together, as well with *Henry* late Duke of *Buckingham* and *Thomas* Marquis of *Dorset*, as with other great Rebels and Traitors, imagining to compass the Death of our Sovereign Lord King *Richard* III. Howbeit the said Bishops, for their great and heinous Offences, before-mentioned, have deserved to lose Life, Lands, and Goods by the Law of this Land; yet nevertheless, considering that they be Bishops set in high Estate in the Church of God, and the King preferring Mercy and Pity before Rigour, and at the Reverence of God and his Church, and at the Prayer of the Lords Spiritual, namely, such as be present in this Parliament, the King is content to forbear any rigorous Punishment, and that they be only punished in Form following: That is to say, that it is ordained and enacted, by the Authority aforesaid, That the said Bishops be disabled and made unworthy, by Law, to hold and enjoy any Possessions Temporal and Feodal, and forfeit to the King all Castles, Lordships, Manors, Lands, and Tenements, and other Hereditaments, &c. which they were possessed of on the 18th Day of *October* last past, and every Thing else that pertaineth to the Church, as long as the said Bishops shall be Bishops of the abovesaid Sees; saving, &c.' There are some saving Clauses added to this Bill, of no Significance to the Reader.

With *Margaret*
Countess of *Rich-*
mond.

There is yet another Act for attainting *Margaret* Countess of *Richmond*, who is said therein to be Mother to the King's great Rebel and Traitor, *Henry* Earl of *Richmond*, in that she had conspired, confederated, and committed High Treason against our Lord the King in divers and sundry Ways, and especially in sending Messages, Writings, and Tokens to the said *Henry*, and thereby

r No such Name occurs in *Le Neve's Fassi* to be Bishop of *Exeter* at this Time.

thereby inviting, stirring, and procuring him to come K. Richard III. into this Realm and make War against our said Sovereign Lord, to which Advice the said *Henry* applied himself, as appeareth by Experience of him lately shewed: Also the said Countess made Cheviſſances of great Sums of Money, as well within the City of *London* as elsewhere, to be employed in the Execution of the said traitorous Purposes: Likewise the said Countess conspired and imagined the Destruction of our Sovereign Lord, and was assenting, knowing, and assisting to *Henry* late Duke of *Buckingham*, and his Adherents, in compassing and doing Treason, of which they, in this present Parliament, have been attainted: Yet nevertheless our said Sovereign Lord of his Grace, and especially remembering the good and faithful Service that *Thomas* Lord *Stanley* [her Husband] hath done, or intendeth to do, for our Sovereign Lord, and for the good Love and Trust the King hath in him, and for his Sake, remitteth and will forbear the great Punishment of the Attainder of the said Countess which she hath deserved; but, in Consideration of the Premises, it is the Will of our Sovereign Lord that it be enacted, by the Assent of the two Houses of Parliament, ‘That the said Countess be disabled in Law, from henceforth, to have, inherit, or enjoy any Manors, Lands or Tenements, Hereditaments or Possessions whatsoever; and also be disabled from bearing or having any Name of Estate or Dignity from henceforth; and that all her Castles, Manors, Lands, &c. be to the said *Thomas* Lord *Stanley* for the Term of his Life, and, after his Decease, to our said Sovereign Lord the King and his Heirs for ever, &c.’

We have chose to give large Abstracts out of the foregoing Bills of Attainder, in order to clear up, as much as possible, the History of this short but dark Reign; rendered more obscure by the sudden Revolution that followed, and the Accession of a Person to the Crown who bore a mortal Enmity to this King *Richard* and all his House. There are a few more Acts relating to private Property, which are no ways significant to our Purpose, therefore we omit the Mention of them; except one, which we cannot so pass by, intituled, ‘An Act for vesting certain Lands, &c. of great Value, in the Counties of *Cornwall* and *Devon*, upon Sir *James* Tyrel,

K. Richard III. Knight, and *Anne* his Wife, which were forfeited to the Crown by the Attainder of Sir *John Arundele*, Knight, by an Act in this present Parliament.' Now it should seem that this said Sir *James Tyrel*, who, as Historians write, was the Man principally concerned in the Murder of the two young Princes in the Tower, was thus rewarded for committing that most atrocious Villainy; and the rather because it is expressed in the Body of the Act, that this Knight's Petition to the King was grounded, *inter alios*, on the said Sir *James having done some true Service to his good Grace*. And yet again, if *Richard* had employed this Man to commit this private Murder, he scarcely would have taken this Way to have rewarded him so openly for it, and make the whole Legislature of *England*, Bishops and all, in some Measure, Accomplices in the Crime.

However, bad as this King *Richard* was, or is represented to be, both our Historians and Lawyers agree, that there was a Body of Laws made and passed by him, in this present Parliament, so very good and beneficial to the Subject, as few either before or since can equal them. We must refer to our Statute-Books for a Detail of these Laws; it not being our Business to meddle with the Statutes themselves, but to write a History of the Makers of them. Yet there is one Act more to be spoke of; which, though it be printed amongst the rest, the Preamble to it is so singular, tending to blacken the Memory of his Brother King *Edward IV.* and to render his Reign odious, that it must claim a Place in these Inquiries. It is as follows:

'The King remembering how the Commons of this Realm, by new and unlawful Inventions and inordinate Covetice, against the Laws of this Land, have been put to great Thralldom and importable Charges and Exactions; and especially by a new Imposition, named a *Benevolent*; whereby, for divers Years, the Subjects and Commons of this Land, against their Wills and Freedoms, have paid great Sums of Money to their almost utter Destruction: For divers and many worshipful Men of this Land, by Occasion thereof, were compelled by Necessity to break up their Households, and to live in great Penury and Wretchedness; their Debts unpaid, and their Children unpreferred; and such Memorials as they had ordained

ordained to be done for the Wealth of their Souls were annettised and annulled, to the great Displeasure of God, and to the Destruction of this Realm: Therefore the King ordaineth, by the Advice and Consent of both Houses of Parliament, That his Subjects, from henceforth, be not charged with any such Imposition, named a *Benevolent*; and that such Exactions, afore this Time taken, be no Example for any like Charge for the future; but that the same be dampned and annulled for ever.²

Thus much for the more historical Acts of this Parliament; which, like the Reign of the King, was but of short Duration, being, as has been said, convened on the 23d of *January*, and dissolved the 20th of *February* following. We shall next proceed to search the Histories of these Times, in order to find out, if possible, some more Illustration of them.

Our older Chronicles, and more modern Historians, are very short in their Account of the Proceedings of this Parliament. The *History of Croyland*, contemporary with these Times, might be expected to furnish more Matter for these Inquiries, relating to it; but there it is only cursorily mentioned, though some Hints are given, about the Methods taken to force the Act of Succession through the Houses, as are almost incredible. It is there said, 'That, in this Parliament, the King, 'in order to strengthen his Title to that Crown which 'he had in the preceeding Summer gained, brought an 'Affair, relating to matrimonial Contracts, to be disputed before an Assembly of Laymen. And, though 'it was well known that such a Court had nothing to 'do in this Matter, yet so great was the Dread and 'Fear which then possessed the boldest, that they not 'only undertook the Affair, but gave Sentence accordingly. For, adds our Authority, so many great Men, 'Peers and Commoners, were proscribed as was never 'known since the Time of the *Triumvirate* of *Octavius*, 'Anthony, and *Lepidus*'. Besides, a great Quantity of 'Money was drawn out of the King's Treasury at this

C c 3

Time,

² Tot et tantorum Dominorum, Nobilium, Procerum, et Communium, etiam trium Episcoporum, Proscriptiones factæ sunt, ut a Triumvirato Octaviani, Antonii, et Lepidi, Factum simili nusquam emanasse legatur. Hist. Croyl. Cont. p. 570.

K. Richard III. Time, in order to gain this Act, and chiefly distributed
 [381] amongst his Northern Friends, whom he planted, also
 for his greater Security, in every Part of the Kingdom;
 which gave much Offence to his more Southern Subjects, and made them pay more Regard to the Hopes
 of a future Revolution, than to the present Tyrantⁿ.

Fabian, who lived in this King's Time, and ends his Chronicle with the next Reign, hath not one single Word of this Parliament. *Hall* and *Hollingshead* only say that, in the Beginning of the Year 1484, a Parliament was summoned, in which the Earl of *Richmond* and his Followers were attainted, and the People burdened with severe Taxes and Impositions; and that the Money so collected was wasted on this King's Creatures, or squandered away prodigally, to stop the Mouths of such as knew any Thing of his Guilt in the Death of his Nephews.

Polydore Vergil writes^o, That, after this Parliament had attainted all the exiled Persons, and confiscated their Estates to the King's Use, *Richard* was not content with these rich Spoils, but commanded them to grant him a large Supply; for, in order to vindicate himself from Calumny, and to buy the Favour of the People, he had bestowed such Largeesses of Money amongst them, that his Treasury was very low. But the most extraordinary Stretch was, that *Thomas Stanley* should be also declared an Enemy to the State, on account of his Wife *Margaret's* being Mother to the Earl of *Richmond*, who was commonly thought to be at the Head of the Conspiracy^p. And though a Woman's Politics may be judged of small Moment, yet this Parliament thought proper to take Notice of her, and commanded her Husband, in whom they could find no Guile, to confine her closely, and suffer no Messengers, of any Account, to pass between her Son and her, that might disturb the Peace of the Kingdom. The same Author adds, That, by Consent of this Parliament, a Peace with the *Scots*, who had begun Hostilities on the *English* Borders, was concluded.

The

ⁿ For the great Confidence which *Richard* placed in his Northern Friends, particularly of the City of *York*, see *Drake's Eboracum*, from Page 114 to Page 124, *London*, Folio, 1736.

^o *Hist. Ang. Lib.* xxv. p. 554.

^p This Historian is mistaken, as appears by the Act itself before given.

The particular Writer of this King's Life¹, and a K. Richard III. very particular one he is indeed, for he has taken true Pains to wash his Blackmore white, is more explicit than any other in his Account of the Proceedings of this Parliament. He says, 'That, by it, there were many 'good Laws enacted; the Marriages of King *Edward* 'were debated; that with the Lady *Gray* adjudged 'unlawful, and her Children illegitimate; there being 'Proof of a former Contract and Marriage with the 'Lady *Eleanor Talbot*, Daughter to the old Earl of '*Shrewsbury*, and Relict of the Lord *Butler of Sudeley*, 'then, and long after, living. All that had been in- 'ferred by the Duke of *Buckingham*, or contained in 'the Bill supplicatory, demonstrated, was again con- 'sulted, and Judgment given against that Marriage; 'the Incapacity also of the Children of the Earl of *War- wick* and his Sister, the Lady *Elizabeth Plantagenet*, 'were all decreed and confirmed by Act of Parliament. 'So that here, adds our Author, to tax so general an 'Assent, were to say there was not one honest or just 'Man in that high Court; and what greater Scandal 'can there be against the whole Kingdom?

'There was likewise Notice taken of the Earl of '*Richmond's* Pretence to the Crown, by a Title derived 'from the House of *Lancaster*; who was at that Time in '*France*, labouring to engage the King and the Duke of '*Bretagne* in his Quarrel. Oh! the infinite Windings 'and perplexed Steps we labour thorough, to get that 'which we must bid Goodnight to To-morrow; and yet 'the true and rightful *Lancaster* had no Finger in this; 'for this Earl was not then granted to be of the House 'of *Lancaster*, untill the Pope, by his Bull, had given 'him that Title; and himself, after he was King, by his 'Prerogative assumed it. In this Parliament he was at- 'tainted of High Treason, and, with him, *John* Earl of '*Oxford*, *Thomas* Marquis of *Dorset*, *Jasper* Earl of '*Pembroke*, *Lionel* Bishop of *Salisbury*, *Pierce* Bishop of '*Exeter*, the Lady *Margaret* Countess of *Richmond*, *Tho- mas* Morton Bishop of *Ely*, *Thomas* *Nandich* by the Stile 'of *Thomas* *Nandich* of *Cambridge*, Conjurer', *William*

[383]

Knevet

¹ George Buck, Esq; one of the Heralds at Arms, Author of the History of King Richard III. Fol. 1647, London. But since reprinted with Notes in Kennet's Collection.

'Negromancer, in the Record.

K. Richard III. 'Knevet of Buckingham, smeared with the same Pitch,
'George Brown of Beachworth, Thomas Lukenor of Trat-
'ton, John Guilford, John Fogg, Edward Poinings, Tho-
'mas Ficries of Churstonceux, Nicholas Gainford, Wil-
'liam Clifford, John Dorrel, with others of Kent and the
'West Country. There was further enacted, for the
'Approbation and confirming the true and lawful Title
'of King Richard, this Clause or Sentence,

*It is declared, pronounced, decreed, confirmed, and esta-
blished, by the Authority of this present Parliament, That
King Richard III. is the true and undoubted King of this
Realm; as well by Right of Consanguinity and Heritage,
as by lawful Election and Coronation, &c.*

Our Author proceeds with this Remark, 'That, in
'a Place of the Roll of this Parliament, there are Ar-
'guments to be gathered, that the two Sons of King
'Edward were living at that Time, which was at least
'nine Months after the Death of their Father, and six
'Months after Richard was declared King. Which,
[384] 'adds he, will import thus much, That if King Rich-
'ard suffered them to live so long, there is no Reason
'why he should after make them away; for their Lives
'could not rectify their Blood or Titles, nor their
'Deaths advantage him. Neither can Bastards be
'dangerous or prejudicial to the true and titular Lord,
'or lawful Proprietor, be he King or Subject; witness
'foreign Countries, and England itself, which holds
'Bastards incapable of Heritage, Honours, or Offices.'

Thus far we have thought proper to extract, *verba-
tim*, from this Panegyrist; and shall only add what
the Annotator in Kennet's Collection remarks on the
Passage of Edward's Children being alive at the Time
this Parliament was sitting. He says, 'That this Au-
'thor would have done much towards the Credit he
'drives at in his History, to have specified the Place
'of the Roll, and the Words thereof, whence such Ar-
'guments might be gathered. For, adds he, all Hi-
'stories relate the Murders to be committed before this
'Time.'

[395]

Richard was well aware that the proposed Union
between the Houses of York and Lancaster, the Earl of

Richmond's marrying the Princess *Elizabeth*, was the ^{K. Richard III.} greatest Motive the Malecontents to his Government had to draw in many more indifferent People, not only to wish for, but to endeavour to bring it about: In order therefore to frustrate this Project, he took a pious Resolution to add Incest to the rest of his enormous Crimes, by marrying the Princess *Elizabeth*, his eldest Brother's Daughter, himself. The *History of Croyland* informs us that, during the Sitting of his Parliament, *Richard*, by fair Promises, mixed with some terrible Threats, had at last prevailed upon the too easy Queen to send all her Daughters to Court, where they were received by their unnatural Uncle with all seeming Tenderness and Affection. At this Time also, the same Authority tells us, the King got together almost all the Lords Spiritual and Temporal in the Kingdom, the Chief of the Members of the House of Commons, and the principal Persons of his Household, into a private Parlour of the Palace ^q, and commanded them to take a new-coined Oath, by whom framed is uncertain, to be true to the Succession of his only Son *Edward*, in Case of his Father's Mortality; and they were all likewise obliged to sign their Names to it.—But to proceed.

[396]

Mr. *Rapin* observes ^r, that *Richard* called this Parliament at a very seasonable Juncture. The Duke of *Buckingham's* Conspiracy seeming entirely stifled by the Death of that Lord, and the Retreat of the Earl of *Richmond* ^s, there was not in the Kingdom any Person in a Condition to lift up his Head against him: So the Parliament, adds he, consisting, no doubt, of Representatives devoted to the King, declared *Edward* the Fourth's Issue illegitimate, and confirmed *Richard's* irregular Election, with his pretended Right to the Crown. This Act was absolutely necessary for *Richard's* Security; besides, says our Author, the Parliament thereby avoided the Trouble of inquiring after the Fate of *Edward V.* whom all *England* had for some Months acknowledged for King. Then an Act of Attainder was passed against

Henry

^q In quodam inferiori Cœnaculo, juxta Ambitum qui ducit ad Cameras Reginæ. Hist. Croyl. Cont. p. 570.

^r *Rapin's History of England*, Fol. Edit. p. 642.

^s *Richmond* had been waiting upon the *English* Coasts with a few Ships; but, when he was assured of *Buckingham's* Defeat and Death, he sailed back into *Brittany*. Hist. Croyl. Cont. p. 570.

K. Richard III. *Henry Earl of Richmond*, and all his Adherents, by Virtue whereof all their Estates were forfeited to the King. By this Act, which declared all those Rebels and Traitors that were concerned in the Duke of *Buckingham's* and the Earl of *Richmond's* Conspiracies, all the late Executions were in some Measure justified; because still, adds our Authority, such as had suffer'd were consider'd as guilty of the Crime condemned by this Act.

[397]

The Sense of another Author; who, though also a Foreigner, seems to make a just Reflection on this Matter, is this †: 'The Decree above being registered amongst the Acts of the Parliament, and by that made authenticall in every Part of it, makes it appear that the Kings of *England* have Power to do what they will, when they are either loved for their Virtues, or feared for their Force. As to what concerns Love, there is no Proof of it in this present Case; but of Fear, sufficient; that Terror being the *primum Mobile* in this Business.'

But it must be allowed that some other Business was done in this Parliament, besides settling the Succession and passing the Bill of Attainder. Many wholesome Laws very beneficial to the Public were enacted in it; a plain Evidence of which is, their standing unrepealed in our Statute-Books to this Day. Some of the most remarkable we shall mention.

Useful Acts
passed,

1. 'That whereas the Subjects of this Realm had of late been burdened with a new Imposition, called a *Benivolence*, the same should thenceforth not be exacted.'

2. 'That every Justice of Peace shall have Power to admit a Prisoner, arrested for Felony, to Bail; and that no Officer shall seize the Goods of a Prisoner, arrested for Felony, till he be attainted.'—3. 'That no Person shall be impannelled upon Juries but who hath 20s. Freehold, or 26s. 8d. Copyhold, at the least.'—4. 'That Wine and Oil Vessels shall contain as follow: Every Ton shall hold 252 Gallons; a Pipe, 126 Gallons; a Tertian, 84 Gallons; a Hogshead, 63 Gallons; a Barrel, 31 Gallons and a Half; a Rundlet, 18 Gallons and a Half.'

[398]

It was not very long after passing the Act against Benivolences, that *Richard* himself broke it; for, on the first News of the Earl of *Richmond's* Invasion, having

† *Biondi*, Vol. II. p. 116.

‡ *Statutes at large*, Anno 1 *Rich. III.* cap. ii. iii. iv. xiii.

sufficiently emptied his Coffers, and squandered away ^{R. Richard III.} the great Treasure left by his Brother, he had Recourse to the very same Means (which he had condemned in open Parliament) to procure more: And, says our contemporary Authority, the Word *Benevolence*, which had been used with so much Contempt, converted itself; for the King sent out his Creatures, who were Children of this World, and therefore wiser than the Children of Light, who, by Prayers and Threats, by Hook or Crook, scraped and gleaned together vast Sums of Money from almost all Sorts of People, and carried it to the King's Treasury ^x.

[399]

This is all we can collect relating to the Transactions of this Parliament, either from the Records, Statute-Books, or Historians; what we have else to say in this Reign, is, That a new Invasion happening soon after, under the Earl of *Richmond*, King *Richard* lost his Life and his Crown in the Battle of *Bosworth*, Aug. 22, 1485, ^{Richard killed at the Battle of Bosworth.} and the Conqueror was proclaimed, at the Head of his Army, King of *England*, &c. in the open Field.

Thus fell the last of the Sons of *Richard* Duke of *York*, whose violent Ambition proved the Ruin of him and all the Male Line of *Plantagenet*. Had he been content with the Protectorship he would have had no Enemies, but have ended his Days in Peace and Honour, and seen the Crown established in his Family. It is certain that the Historians immediately following these Times, in Compliment perhaps to the reigning Prince, have given us *Richard's* Character as black as it could be made. Mr. *Buck* has endeavoured as far to polish it, and to represent him a Prince of much better Shape, both in Body and Mind, than he has been generally esteemed. Various are the Censures which have passed on his Performance; we shall only trouble the Reader with that of Dr. *Fuller*, 'His Memory (says he, speaking of King *Richard*) has met with a modern Pen, who has not only purged, but praised, it to the Heighth; and Pity it is that so able an Advocate had not a more meriting Person for his Client &c.'

The

^x *Hist. Croyl. Cont.* p. 571, 2.

^y *Fuller's Worthies*, p. 282, in *Northamptonshire*. Bishop *Kennet*, in his Notes on Lord *Jerulam's* History of the succeeding Reign, remarks, That, amongst the Number of Persons attainted in the first Parliament of *Henry*

K. Richard III. The celebrated *French* Writer of *English* History, *Rapin*, concludes his Reign of *Richard III.* in this Manner:

[400]

‘ Let us close, says he, the History of the *Plantagenets*, with a brief Recapitulation of the most memorable Accidents that befell the Kings of this Race, whilst on the Throne of *England*. In this Summary of the fourteen foregoing Reigns it will be seen, not without Astonishment, perhaps, that the Happiness and Glory enjoyed by this Race for above 300 Years, were almost nothing, in Comparison of their Misfortunes.’ And then he begins with a long Detail of direful Accidents, all tending to prove, that even God Almighty himself always acted in Opposition to an hereditary Title to the *English* Crown. On which extraordinary Recapitulation of Events, his Translator and Annotator, Mr. *Tindal*, has bestowed this just Reflection:

‘ It were to be wished that so good an Historian as *Rapin* had been more sparing of God’s Judgments, such Remarks at best being a Sign of great Weakness; but when they are built on Falsities in Fact, as is sometimes the Case, they are inexcusable. Of this, adds he, we have an Instance, even in *Rapin* himself. And, as for the long List of God’s Judgments upon the House of *Plantagenet*, it contains nothing extraordinary; nothing but what is very common in this World, and what might easily be marched out of the Histories of several other Nations.’

Henry VII. was one *John Buck*, beheaded at *Bosworth*, a Relation to *George Buck*, the Author of the *Life* of *Richard III.* which perhaps, adds he, was the Reason why that Historian, in Opposition to other Writers on the same Subject, endeavours to have it believed that King *Richard* was both a great and a good Man. *Kenner’s Collection*, Vol. II. p. 581.

‡ *Rapin’s History of England*, Fol. Edit. p. 647, Note 8.

THE great God of Battles having given *Henry Earl* ^{King Henry VII.} of *Richmond* a compleat Victory over his mortal Enemy King *Richard III.* and he being slain in the Field, the Diadem, for which they both fought, and which *Richard* wore on his Head that Day, being found, was immediately put on *Henry's*; and, according to a *Roman* Custom; he was saluted Emperor by the Soldiery in the open Field. The Title to a Crown by Conquest must be allowed a very strong one; but *Henry VII.* would not trust to that, nor solely to the lame Pedigree he pretended to claim from *John of Gaunt*, the Source of the *Lancastrian* Stream, knowing well that it was so obstructed in the Way by a Bar of Bastardy, that it was impossible to make it seem clear to the World ^a. The best Title he had was by Marriage with the Princess *Elizabeth*, eldest Daughter to King *Edward IV.* ^{His Title to the Crown.} and which he was obliged by Compact to consummate: But yet his inbred Hatred to the House of *York* was so great, that he disdained a Power that would then be more Matrimonial than Regal, and so resolved to rest upon the Title of *Lancaster* as chief; and, as the great Lord *Bacon* observes, to use the other two, of Conquest and Marriage, as Supporters to it ^b.

With these Views *Henry* took Possession of the *English* Crown; and the Solemnity of his Coronation was performed, in the usual Place and Manner, on the 13th Day of *October*, in the Year 1485. The next Year, in order to gain a further Sanction to his Title, he called

^a For *Henry* the Seventh's Title to the Crown by Descent, see the *Life* of *Edward IV.* by *John Habington*, Esq; in *Kennet*, Vol. 1. p. 473.

Philip de Commines, in speaking of the violent Proceedings in *Richard's* Reign, says, *Le dict Roy Richard ne le porta pas loing; car contra lui esleva Dieu un Ennemy, (et tout en l'Instant) que n'avoit ne Croix ne Pille, ne nul Droiſt, comme je croy, a le Couronne d'Angleterre; ne estime riens, fors que de sa Personne estoit boneſte, et avoit beaucoup souffert; car le plus-part de sa Vie avoit este Prisonnier.* Livre VI. chap. ix.

^b *Polydore Vergil* introduces two Prophecies, to confirm *Henry's* Title to the Crown, in these Words:

Henricus Principum atque Populi jussu Rex creatur; fuit ille Annus Salutis, M.CCCC.LXXXVI. Henricus sic Regnum adeptus est, quod Dei Nutu & Consilio gestum, et provisum esse, visum est, quando abhinc, id est, ex hoc Anno Salutis, 1486, Annos D.CC.XCVII. Memoria proditum ferunt, Vocem Divinitus Cadoualadro ultimo Britannorum Regi, redditam, ejus Progeniem rursus regnaturam. Istius Vocis Fato Henricum dictum Regnum obtinuisse, Opinio per Animos Hominum jampridem pervaserat, quod et Henricus Sextus futurum prädixerat. Pel. Verg. Ang. Hist. Lib. xxvi. p. 566.

[401]

[402]

King Henry VII. led a Parliament, by Writs bearing Date at *Westminster*, Anno Regni 1. September 15, Anno Regni suo primo, to meet at the same Place on the 7th Day of November following. A List of the Peers, on this other great Revolution in the State, is as follows ^c :

The State of the
Peers.

<i>John Duke of Suffolk,</i>	<i>Richard Lord Grey,</i>
<i>Jasper^d Duke of Bedford,</i>	<i>Richard Lord De la Ware,</i>
<i>William Earl of Arundele,</i>	<i>Thomas Lord Lumley,</i>
<i>John Earl of Oxford,</i>	<i>John Lord Broke, of Cob-</i>
<i>Edmund Earl of Kent,</i>	<i>ham,</i>
<i>William Earl of Notting-</i>	<i>John Lord Mountjoy,</i>
<i>ham,</i>	<i>John Lord Stourton,</i>
<i>Edward Earl of Wilts,</i>	<i>John Lord Sutton, of Dud-</i>
<i>Richard Earl Rivers,</i>	<i>ley,</i>
<i>Thomas Earl of Derby,</i>	<i>John Lord Denham,</i>
<i>William Earl of Hunting-</i>	<i>Thomas Lord Arundele, of</i>
<i>don,</i>	<i>Maltravers,</i>
<i>Edward Earl of Devon,</i>	<i>Edward Viscount Lisle,</i>
<i>Ralph Lord Greystock,</i>	<i>John Lord Grey, of Powis,</i>
<i>Thomas Lord Scrope, of</i>	<i>Henry Lord Clifford, of</i>
<i>Masham,</i>	<i>Clifford^e,</i>
[403] <i>Richard Lord Beauchamp,</i>	<i>John Ratcliff, Lord Fitz-</i>
<i>of Beauchamp,</i>	<i>Walter,</i>
<i>George Lord Nevile, of</i>	<i>William Viscount Beau-</i>
<i>Bergavenny,</i>	<i>mont.</i>

The Judges.

Lord Chief Justice <i>Husee,</i>	<i>Sir Humphrey Starkey,</i>
<i>Sir Thomas Brian,</i>	<i>John Suliard,</i>
<i>Sir Guy Fairfax,</i>	<i>John Vavasour,</i>
<i>Sir John Catesby,</i>	<i>William Hode, Attorney-</i>
<i>Sir Richard Noel,</i>	<i>General.</i>
<i>Sir Roger Townshend,</i>	

The

^c From *Dugdale's Summons to Parliament*, An. 1 Henry VII. p. 476. &c.

^d *Jasper* Earl of *Pembroke*, King *Henry's* Uncle, had been created by him Duke of *Bedford*, at his Coronation ; as was also *Thomas Lord Stanley* made Earl of *Derby*, the King's Father in Law ; and *Edward Courtney*, Earl of *Devon*. Lord *Bacon's Henry VII.*

^e The Story of the Preservation of this Lord *Clifford* from the Fury of the House of *York*, who would certainly have sacrificed him for his Father's Cruelty, and his being brought up as a Shepherd to this Time, having never learned to read or write, is very remarkable. See *Dugdale's Baron*. Vol. II. p. 343.

The Parliament thus summoned, and the Lords Spi-
ritual and Temporal, with the Commons, being all met
at the Place and Time appointed, the new King also
sitting in the Throne, the Reverend Father *John Alcock*,
Bishop of *Worcester*, and Lord High-Chancellor of Eng-
land, declared the Cause of the Summons, and took
for his Theme the Words following, *Intende prospere,*
procede et regna.

King Henry VII.
Anno Regni 1.
1485.
At Westminster

The Intention of which Words he shewed to the
Members, elected and constituted, of this Parliament
was, That they did not meet there for their own private
Interest and Advantage, but for the Good of the Public
as well as themselves; and with what Unanimity, Good-
will, and Chearfulness they each and all promoted and
procured that End, so the Utility of the King and King-
dom, together with no small Prosperity to themselves,
would necessarily follow: And this he shewed was the
Meaning of one Part of his Text, *Intende prospere.*
The Bishop took Occasion here to mention a great Tu-
mult at *Rome* that was quelled by a certain wise Man,
called *Agrippa*, who told the People a Story of the Event
of a Dispute between the Stomach and the Members of
a human Body, as he said might be read, more at large,
in *Titus Livius*, &c.

He next proceeded to shew the continual and perse-
vering Fidelity which Subjects owed to their King; and,
on the contrary, what Faithfulness also Kings and Princes
owed to their Subjects, in defending them to the utmost
of their Power, and in taking Care that Law and Justice
should be equally and rightly administered to them all,
as in the Words of his Text: Deducing also this Ex-
ample, in shewing fully five good Qualities to be in the
Government of Bees; four of which he applied chiefly
to be in the Subjects; and the fifth, to all good Kings
and Princes; who, he said, sat on high, like the Prince
of Bees, carrying a sharp-pointed Sting to punish Of-
fenders, &c.—We are persuaded the Reader has
enough of this Prelate's Discourse by this Time; we
therefore leave him to carry on his Allegory of Bees,
which he does even to the Honey and Wax of the Hive,
and proceed to his Direction of the Commons to meet
the next Morning, in their accustomed Place, and chuse

King *Henry VII.* a Speaker, who they were to present to the King for his Approbation.

THO. LOVELL,
Esq; chosen
Speaker.

Accordingly, the second Day of this Parliament, the Commons met and chose their Speaker, and the Day after presented *Thomas Lovell*, Esq; to the King for that Purpose; whose Excuse for Insufficiency not being allowed, and making the usual Protestation, he was confirmed in that Office.

After this we are told, by the *Roll* of this Parliament, that the King himself, with his own Mouth, made an eloquent Speech to the Commons to this Effect:

He told them ' That he was come to take Possession of the Crown of *England*, as well by his just Title of Inheritance^a, as by God's true Judgment in giving him the Victory over his Enemy in the open Field. He declared that all his Subjects, of whatsoever State, Condition, or Degree, should hold, possess, and enjoy, to them and their Heirs, all Lands, Tenements, Rents, and other their Hereditaments, excepting such Persons as had offended his Majesty; who, according to their Merits, would be proceeded against in this present Parliament.'

A Subsidy.

Next follows the Grant of a Subsidy of Tonnage and Poundage to the King, the very same as was granted to his immediate Predecessor, and also for Life, with the usual additional Tax on Wooll, Wooll-fells, and Hides.

After this comes an Exemplification of this King's Title to the Crown; which, being drawn up in a very concise Manner, deserves particular Regard; and therefore we give it at Length as follows:

' **T**O the Pleasure of Almighty God, Wealth, Prosperity, and Surety of this Realm of *England*,
' and to the singular Comfort of all the King's Subjects
' of the same, in avoiding all Ambiguities and Questions,
' be it ordained, established, and enacted, by this present Parliament, That the Inheritance of the Crown
' of this Realm of *England*, and also of *France*, with
' all the Preheminence and Dignity Royal to the same
' belonging beyond the Sea, with the Appurtenances
' thereto in any wise due or appertaining, shall rest, remain, and abide in the most Royal Person of our now
' Sovereign

^a *Per justum Titulum Hereditarie.* Rot. Parl. 1 Hen. VII.

‘ Sovereign Lord King *Henry VII.* and in the Heirs of King *Henry VII.*
‘ his Body lawfully coming, perpetually with the Grace
‘ of God so to endure, and in none other.’

An Act for annexing to the Crown the Duchies of *Lancaster* and *Cornwall*; also another for freeing from Attainder and Restitution of Lands, &c. to all those Lords and other Persons who were attainted by the late King *Richard*, in a Parliament held in the first Year of his Reign: And, in Requital for that Favour, next follows an Act in this Parliament for the Attainder of all *Henry’s* Enemies; the Preamble to which is so extraordinary as to deserve this particular Notice.

‘ Forasmuch as every King, Prince, and Liege Lord, the more high that he be in Estate and Preheminence, the more singularly he is bound to the Advancement of that indifferent Virtue, *Justice*; and by promoting and rewarding *Virtue*, and by oppressing and punishing *Vice*: Wherefore our Sovereign Lord calling to his blessed Remembrance this high and great Charge adjoined to his Royal Majesty and Estate; and not oblivious or putting out of his godly Mind the unnatural and mischievous and great Perjuries, Treasons, Homicides, and Murders, in shedding of Infants’ Blood, with many other Wrongs and odious Offences and Abominations against God and Man, and especially against our Sovereign Lord, committed and done by *Richard* late Duke of *Gloucester*, calling and naming himself, by Usurpation, *King Richard the Third*; the which, with *John* late Duke of *Norfolk*, *Thomas* Earl of *Surrey*, *Francis* Viscount *Lovel*, *Walter* *Devereux*, late Lord *Ferrers*, *John* Lord *Zouch*, &c. &c.’

This Act of Attainder against these Lords and many Commoners, there also named, with what is mentioned before, was all that was done in the first Session of this Parliament; for we find, by the *Record*, that, on the 10th Day of *December*, *Thomas Lovel*, Esq; Speaker of the House of Commons, with that whole Body, came before the King in Parliament, and there, in the most humble and respectful Manner, besought his Majesty, That seeing the Crown of these Kingdoms was, by the Authority of the present Parliament, established on him and his Issue, that his Majesty would please to espouse

King Henry VII. and take to his Bed the most noble and excellent Princess *Elizabeth*, Daughter to King *Edward IV.* that, by this happy Match, and by God's Grace, a Royal Progeny might ensue, to the great Comfort and Consolation of the whole Realm.

The Speaker having ended, all the Lords Spiritual and Temporal, then present, rising from their Seats, bowed their Heads towards the King in his Throne, and made the same Request; to whom the King, with his own Mouth, answered, *That he was willing to do as they desired him* ^a.

After this the Chancellor, by the King's Command, declared to both Houses, That his Majesty was disposed to prorogue this present Parliament, for certain Causes him thereunto moving; and therefore he exhorted the Lords and Commons, when they came into their own Countries, to take great Care to have Justice done against all Offenders of the Laws, Spreaders of Lies and Discords, &c. that, at their next Meeting, the King might have Reason to give them special Thanks for their Diligence therein. He concluded with saying, That because the Feast of *Christmas* was approaching, and much Business of Importance was remaining, which could not be finished in that Time, therefore the King thought fit to prorogue this Parliament to the 23d of *January* next coming; and all Manner of Persons concerned were to take Notice, and attend accordingly.

The Parliament
prorogued.

There is no Notice taken on the *Roll* of the next Meeting of this Parliament, but Business goes on, in the *Record*, as if there had been no Intermission. The Reversal of the Attainders of *Jasper* Earl of *Pembroke*, now created Duke of *Bedford*, with some other private Persons, is the first Instrument on Record after the Prorogation. Next follows the Reversal of the Attainders of *Henry* late Lord *Clifford*, *William* late Lord Viscount *Beaumont*, *John Vere*, late Earl of *Oxford*; the Countess of *Richmond*, King *Henry's* Mother; *Edward*, Son and Heir to *Henry* late Duke of *Buckingham*; *John* Lord *Wells*, with several other inferior Persons.

Several Attain-
ders reversed,

Subsequent to these is an Article drawn in Form of an Oath, ushered in with this Memorandum, 'That it was
' done

^a *Idem Rex respondet, Ore proprio, se juxta eorum Desideria & Requestus procedere fuisse contentum. Rot. Parl. 1 Henry VII.*

done for the Reformation of several enormous Crimes ^{King Henry VII.}
and wicked Practices in this Realm, as well as for the
Correction and Punishment of the Actors of them;
the Tenor of which Oath is entered in these Words:

*YE shall swear that ye from henceforth shall not receive,
aid, or comfort, any Person openly a cursed Murderer,
Felon, or outlawed Man for Felony, by you known so to be,
or any such Person let [hinder] to be attached or taken
therefor by Order of the Law; nor retain any Man by
Indenture or Oath, nor give Livery, Sign, or Token, con-
trary to the Law; nor any Maintenance, Embracery, Riots,
or unlawful Assemblies, make, or cause to be made, or as-
sent thereto; nor let, or cause to be letted, in the Execu-
tion of any of the King's Writs, on Precepts directed to
such lawful Ministers and Officers as ought to have Exe-
cution of the same; nor let any Man to Bail or Mainprize,
knowing and deeming him to be a Felon upon your Honour
and Worship. So help you God and all Saints.*

We are told that not only the Knights and Esquires
of the King's Household, but those also of the House of
Commons, came before the King and Lords, and took
this Oath. After they had done, the Peers, both Spi-
ritual and Temporal, were interrogated by the Lord-
Chancellor, Whether they were willing to take the same
Oath? who all answering, as it were with one Voice ^b,
That they were ready, the said Article, or Oath, was
read to them; and every Lord Spiritual, laying his Right
Hand on his Breast, and every Temporal Lord the same
on the Book of Gospels, swore to observe and perform
the same; to the Number of 13 Bishops, 16 Abbots,
and one Prior; two Dukes, five Earls, and 13 Barons.

Several Acts of Restitution in Blood come next on
Record; as, of King Henry VI. called there this King <sup>With Restitu-
tions in Blood,</sup>
Henry's Uncle, Margaret late Queen of England, and
her Son Edward late Prince of Wales. There is also a
particular Act for restoring Elizabeth, late Wife to Ed-
ward IV. late King of England; though we have not
found that ever this Queen was attainted in the Reign
of the last King, except it was in that Act which disin-
herited her, and bastardized her Children: Which Act

D d 2

came

^b Quasi una Voce. Record.

King Henry VII. came in Question by this Parliament; and here it is called a *false and seditious Bill, full of false and malicious Imaginations against all true and good Disposition*. After reciting the Preamble to this Act, *Please it your Noble Grace, &c.* the whole is annulled, repealed, and rendered of no Effect or Force; to be erased and avoided out of the Roll and Records of the said Parliament; and all such Persons as have any Copy or Remembrance of the said Bill or Act, are ordered to bring them unto the Chancellor of *England*, or utterly destroy them, before the Feast of *Easter* next coming, upon Pain of Imprisonment, and making Fine and Ransom at the King's Pleasure.—It is somewhat strange that, after this severe Edict made against the Act of the first of *Richard III.* it should remain upon Record at this Day.

An Act of Resumption.

There are a great many more Acts of Adnullation and Restitution to Persons attainted in the Reign of King *Edward IV.* passed in this Parliament, the very Titles of which would be too tedious for us to mention. In short, it seems to have been the whole Business of this Session; for, excepting one public Act for the Importation of wrought Silk, and another for the Encouragement of the *Italian* Merchants, there are none else that occur in the whole Catalogue. Last of all comes a very long Act of Resumption, with a Multitude of Provisoos and Exceptions, which closes the whole Account, on the Roll, of this Parliament.

But, to come to a clearer Knowledge of the State of Affairs at this great Revolution, it will be necessary to consult a very great Man, the Lord *Bacon*, who wrote the particular Life of this King: And as this Noble Historian had, at his Time, all the Records in the Kingdom open to him, besides his vast Abilities, we may well suppose he wanted no Materials to complete his Work. We are persuaded therefore that this Author's Sense of the Proceedings of this Parliament will be the most acceptable in his own Words. He tells us,

[404]

‘ That, on the 7th of *November*, the King held his Parliament at *Westminster*, which he had summoned immediately after his coming to *London*. His Ends in calling a Parliament, and that so speedily, were chiefly

ly three; first, to procure the Crown to be entailed ^{King Henry VII.} upon himself. Next, to have the Attainders of all of his Party, which were in no small Number, reversed, and all Acts of Hostility by them done in his Quarrel, remitted and discharged; and, on the other Side, to attain, by Parliament, the Heads and Principals of his Enemies. The third, to calm and quiet the Fears of the rest of that Party, by a general Pardon; not being ignorant in how great Danger a King stands from his Subjects, when most of his Subjects are conscious in themselves, that they stand in his Danger. Unto these three special Motives of a Parliament was added, that he, as a prudent and moderate Prince, made this Judgment, That it was fit for him to hasten to let his People see, that he meant to govern by Law, howsoever he came in by the Sword; and fit also to reclaim them to know him for their King, whom they had so lately talked of as an Enemy or banished Man. For that which concerned the Entailing of the Crown, (more than that he was true in his own Will, that he would not endure any Mention of the *Lady Elizabeth*, no not in the Nature of special Entail) he carry'd it otherwise ^{The Succession of the Crown settled on Henry and his Heirs.} with great Wisdom and Measure; for he did not press to have the Act penned by way of Declaration or Recognition of Right, as, on the other Side, he avoided to have it by new Law or Ordinance; but chose rather a kind of Middle-way, by way of Establishment, and that under Covert and indifferent Words, *That the Inheritance of the Crown should rest, remain, and abide in the King, &c.* which Words might equally be applied, [405] That the Crown should continue to him; but whether as having former Right to it, which was doubtful, or having it then in Fact and Possession, which no Man denied, was left fair to Interpretation either Way. And again, for the Limitation of the Entail, he did not press it to go farther than to himself and to the Heirs of his Body, not speaking of his right Heirs; but leaving that to the Law to decide; so as the Entail might seem rather a personal Favour to him and his Children, than a total Disinheriton to the House of *York*; and in this Form was the Law drawn and passed. This Statute he procured to be confirmed by the Pope's Bull the Year following, with Mention nevertheless, by way of

King Henry VII. Recital, of his other Titles, both of Descent and Conquest. So as now the Wreath of Three was made a Wreath of Five^h, for to the three first Titles of the two Houses, and Conquest, were added two more, the Authorities Parliamentary and Papalⁱ.

[406]

‘ The King likewise, in the Reversal of the Attainders of his Partakers, and discharging them of all Offences incident to his Service and Succour, had his Will and Acts passed accordingly. In the Passage whereof, Exception was taken to divers Persons in the House of Commons, for that they were attainted, and thereby not legal, nor habilitate to serve in Parliament, being disabled in the highest Degree : And that it should be a great Incongruity to have them to make Laws, who themselves were not inlawed. The Truth was, that divers of those which had, in the Time of King Richard, been strongest and most declared for the King’s Party, were returned Knights and Burgesses for the Parliament, whether by Care or Recommendation from the State, or the voluntary Inclination of the People ; many of which had been by Richard III. attainted by Outlawries, or otherwise. The King was somewhat troubled with this ; for though it had a grave and specious Shew, yet it reflected upon his Party : But, wisely not shewing himself at all moved therewith, he would not understand it but as a Case of Law, and wished the Judges to be advised thereupon ; who, for that Purpose, were forthwith assembled in the Exchequer-Chamber, which is the Council-Chamber of the Judges, and, upon Deliberation, they gave a grave and safe Opinion and Advice, mixed with Law and Convenience ; which was, That the Knights and Burgesses attainted by the Course of Law, should forbear to come into the House, till a Law was passed for the Reversal of their Attainders.’

The Attainders
of Henry’s
Friends reversed,

‘ It was at that Time incidently moved amongst the Judges

^h Nathaniel Bacon makes it a Wreath of six, viz. By Inheritance, War, Espousals, Election, Gift of Parliament, and, lastly, by Pontifical Benediction. *Bacon on Government*, Fol. p. 114. Ed. 1739.

ⁱ The Pope’s Bull for confirming the Crown to Henry, by virtue of this Entail, is in the Collection of *Public Acts*, Tom. XII. p. 297. in which is this remarkable Expression : *Non modo Jure Belli, ac notorio & indubitato proximo Successionis Titulo, verum etiam omnium Prælatorum, Procerum, Magnatum, Nobilium, totiusque ejusdem Regni Angliæ, Plebis Electione & Voto, nec non Decreto, Statuto, & Ordinatione ipsius Angliæ, Regni trium Statuum in ipsa Conventu Parlamento concupato.*

Judges in their Consultation, What should be done for King Henry VII. the King himself, who likewise was attainted; but it was with unanimous Consent resolved, *That the Crown takes away all Defects and Stops in Blood; and that from the Time the King did assume the Crown, the Fountain was cleared, and all Attainders and Corruption of Blood discharged.* But nevertheless, for Honour's Sake, it was ordained by Parliament, That all Records, wherein there was any Memory or Mention of the King's Attainder, should be defaced, cancelled, and taken off the File. [407]

‘ But, on the Part of the King's Enemies, there were by Parliament attainted, the late Duke of *Gloucester*, And several of his Enemies attainted. calling himself *Richard III.* the Duke of *Norfolk*, the Earl of *Surrey*, Viscount *Lovel*, the Lord *Ferrers*, the Lord *Zouch*, *Richard Ratcliffe*, *William Catesby*, and many others of Degree and Quality. In which Bills of Attainder, nevertheless, there were contained many just and temperate Clauses, Savings, and Provisoos, well shewing and fore-tokening the Wisdom, Stay, and Moderation of the King's Spirit of Government: And for the Pardon of the rest that had stood against the King, the King, upon a second Advice, thought it not fit it should pass by Parliament, the better, being Matter of Grace, to impropriate the Thanks to himself; using only the Opportunity of a Parliament-Time, the better to disperse it into the Veins of the Kingdom: Therefore, during the Parliament, he published his Royal Proclamation, offering Pardon and Grace of Restitution to all such as had taken Arms, or been participant of any Attempts against him; so as they submitted themselves to his Mercy by a Day, and took the Oath of Allegiance and Fidelity to him. Whereupon many came out of Pardons to other. Sanctuary, and many more came out of Fear, no less guilty than those that had taken Sanctuary.

‘ As for Money or Treasure, the King thought it not seasonable, or fit, to demand any of his Subjects at this Parliament, both because he had received Satisfaction from them in Matters of so great Importance, and because he could not remunerate them with any general Pardon, being prevented therein by the Coronation Pardon, passed immediately before: But chiefly, for that it was in every Man's Eye what great Forfeitures and Confiscations he had at that Present to help himself; [408] where-

King Henry VII. whereby those Casualties of the Crown might in Reason spare the Purses of his Subjects; especially in a Time when he was in Peace with all his Neighbours. Some few Laws passed at that Parliament, almost for Form's Sake; amongst which there was one, to reduce Aliens, being made Denizens, to pay Strangers' Customs; and another, to draw to himself the Seizures and Compositions of *Italian Goods*, for not Employment, being Points of Profit to his Coffers; whereof, from the very Beginning, he was not forgetful, and had been more happy at the latter End, if his early Providence, which kept him from all Necessity of exacting upon his People, could likewise have tempered his Nature therein. He added, during Parliament, to his former Creations, the Ennoblement, or Advancement in Nobility, of a few others: The Lord *Chandis of Bretagne* was made Earl of *Bath*, Sir *Giles Dawbeney*, Lord *Dawbeney*, and Sir *Robert Willoughby*, Lord *Brooke*.

Laws passed;

And Prefer-
ments.

‘The King did also, with great Nobleness and Bounty, which Virtues at that Time had their Turns in his Nature, restore *Edward Stafford*, eldest Son to *Henry Duke of Buckingham*, attainted in the Time of King *Richard*, not only to his Dignities, but to his Fortunes and Possessions, which were great; to which he was moved also by a Kind of Gratitude, for that the Duke was the Man that moved the first Stone against the Tyranny of King *Richard*, and indeed made the King a Bridge to the Crown upon his own Ruins. Thus the Parliament broke up.’

[409]

Thus far the Noble Historian. What we have further to add to his full Account, is only an Abstract from the *Continuation of the History of Grayland*¹, so often before quoted, which ends in this very Year, relating to the Proceedings of this Parliament. It is there said, ‘That, after King *Henry's* Coronation, a Parliament was held at *Westminster*, in which many Things were treated of and done, (it were to be wished that all were for the general Good) too copious for this Compendium of a History: Amongst the rest, thirty Persons were proscribed, or, more commonly, attainted^m; which Act, though much more modest

‘than

¹ *Inter Rerum Ang. Script. vet.* Ed. Gale, Tom. I. p. 581.

^m *Proscriptiones, quas vulgares Atincta vocant.* Ibidem.

' than what was done in the Parliaments under the late King Henry VII.
 ' Kings, *Richard* and *Edward*, yet did not pass with- [408]
 ' out great Debates, or, to speak more plainly, many
 ' sharp Disputes and Altercations. O God! *exclaims*
 ' the Monk, what Security can Princes have, that their
 ' Subjects will defend their Persons in the Day of Bat-
 ' tle; when, being forced there, perhaps, by their ab-
 ' solute Commands and Threats, the Side they fight
 ' for, as is often the Case, being worsted, they find
 ' their own Lives, Fortunes, and Estates, involved in
 ' the common Ruin! In this Parliament, adds our Au-
 ' thority, the Crown was settled on *Henry*, as his real
 ' Right, not from one but many Titles; for he did not
 ' claim the *English* Diadem so much from Blood or
 ' Affinity, as from the Right of Conquest in the Field.
 ' There were some, however, who chose rather to con-
 ' ceal their Thoughts than speak them openly; and the
 ' more so, because, by his own Consent, the King's
 ' Marriage with the Princess *Elizabeth*, eldest Daughter
 ' to King *Edward*, was there treated on, and agreed
 ' unto; in which Match all the Deficiencies which
 ' *Henry* wanted in Title seemed well filled up.' But
 of this, perhaps, more may be said in another Place.

It is easy to see, by this Quotation from our contem-
 porary Historiographer, that he is no Advocate for [410]
Henry's Title, nor Friend to his Succession; and that,
 if he durst, he would have left us his Thoughts in a
 plainer Manner upon it. But his History ending, as is
 said before, in this very Year, we meet with no more
 Reflections about it in that Author.

It is evident, however, by other Historians, that not-
 withstanding all the Precautions which *Henry* took to
 strengthen and support his Title to the Crown, in a Par-
 liamentary Way, yet his Reign was not without some
 violent Concussions, which greatly shook his new-ac-
 quired Diadem. The Partizans and Favourers of the
 House of *York* were still very powerful and numerous, and
 omitted no Opportunity to exert themselves in that Cause.
 This he seemed well to foresee; and his Jealousy on that Henry appoints a
 Occasion made him institute a Guard of fifty Archers, Guard about his
 under the Command of a Captain, to be always near his Person.
 Person, in Case of any sudden Attempt. This was then a
 new Thing in *England*; their Kings, before, were on-
 ly

King *Henry VII.* ly guarded by the Laws and their Subjects' Affections. But, to take away all Jealousy of this small standing Army, he declared the Institution to be perpetual, and that it was no more than what he had observed in his Exile to be done by foreign Princes; that it did not become the Majesty of a King to be without a Guard; for it was requisite to be had, if not of Necessity, for Decency^a. An Institution that has been kept up, with an Addition of fifty more, by all our succeeding Princes. The Reader will find that *Henry's* Precautions were not without Reason.

He marries *Elizabeth*, Heirefs of the House of *York*.

[411]

In the Beginning of the Year 1486, the Marriage was solemnized between King *Henry* and the Princess *Elizabeth*; which was designed to have entirely united the two contending Titles, so that no future Efforts should be made, by either Side, to disturb it. But yet, this very Year, an Insurrection began, raised by the Lord *Lovel*, Sir *Humphrey Stafford*, and his Brother; tho', upon the News of an Army coming against them, they dispersed themselves.

But a much more dangerous Commotion happened in the next Year, under a counterfeit *Plantagenet*; one *Lambert Simnel*, a Baker's Son, being spirited up to take the Name and Title of *Edward Earl of Warwick*, only Son to *George* late Duke of *Clarence*, and then a Prisoner in the Tower. This Imposture was carried on so far, that the counterfeit Prince was actually crowned King of *England*, &c. at *Christ-Church*, in *Dublin*, the *Irish* Nation always greatly favouring the Title of the House of *York*. From that Kingdom the new King came with considerable Forces into *England*, where he was joined by the Earl of *Lincoln*^o and the Lord *Lovel*, Sir *Thomas Broughton*, and others; but, meeting with King *Henry's* Forces near a Village called *Stoke*, in *Nottinghamshire*, a Battle ensued, in which *Henry* was again victorious, the aforesaid Lords, &c. slain, their upstart King taken Prisoner, and their whole Army cut in

Lambert's Plot defeated.

^a *Biendi*, Book IX. page 159.

^o This *John Earl of Lincoln* was Son of *John de la Pole*, Duke of *Suffolk*, by *Elizabeth*, King *Edward* the Fourth's eldest Sister. *Richard III.* in Case he had disabled the Issues of his elder Brothers from inheriting the Crown, and that himself should have no Children, had designed this Nobleman to succeed to the Crown. *Francis Viscount Lovel* was Lord Chamberlain to *Richard III.* Lord Bacon.

in Pieces. Thus *Lambert's* Pageantry soon came to an King Henry VII. End, and he himself was degraded from his high State to be a mean Servitor in the King's Kitchen.

‘ For the extirpating the Roots and Causes of the like Commotions in Time to come, the King, says Lord *Bacon*, began to find where his Shoe did wring him; and that it was his depressing the House of *York* that did rancle and fester the Affections of his People: He there-The Queen crowned. fore, with much Reluctancy, consented to the Coronation of his Queen, which was done with much Solemnity at *Westminster*, soon after his Return from the last Victory, but two Years after his Marriage; which, adds our Authority, was like an old Christening that had staid long for Godfathers.’

[412]

The next Year some foreign Affairs came upon the Carpet, which had like to have ended in a War between *France* and *England*. The Occasion of it will best appear by the Proceedings of another Parliament, which the King was obliged to call by Writs, bearing Date *September 1*, to meet at *Westminster* on the 9th Day of *November* following, and in the third Year of his Reign. Anno Regni 3, 1488. Being all assembled, *Thomas Morton*, Archbishop of *Canterbury*, and Chancellor of *England*, declared the Cause of the Summons in Words to this Effect ^p;

At *Westminster*.

My Lords and Masters,

‘ THE King's Grace, our Sovereign Lord, hath The Lord-Chancellor's Speech to both Houses. commanded me to declare unto you the Causes that have moved him at this Time to summon this his Parliament, which I shall do in few Words; craving Pardon of his Grace and you all, if I perform it not as I would.

‘ His Grace doth first of all let you know, that he retaineth in thankful Memory the Love and Loyalty shewed to him by you, at your last Meeting, in Establishment of his Royalty; freeing and discharging of his Partakers, and Confiscation of his Traitors and Rebels; more than which could not come from Subjects to their Sovereign in one Action. This he taketh so well at your Hands, as he hath made it a Resolution to himself to communicate with so loving and well-
‘ approved

King Henry VII. approved Subjects, in all Affairs that are of public Nature, at home or abroad.

[413] ' Two, therefore, are the Causes of your present assembling; the one, a foreign Business; the other, Matter of Government at home.

' The *French King* (as no doubt you have heard) maketh, at this Present, hot War upon the Duke of *Bretagne*. His Army is now before *Nantes*, and holdeth it straitly besieged, being the principal City (if not in Ceremony and Preheminence, yet in Strength and Wealth) of that Duchy. You may guess at his Hopes by his attempting of the hardest Part of the War first. The Cause of this War he knoweth best. He alledgeth the entertaining and succouring of the Duke of *Orleans*, and some other *French* Lords, whom the King taketh for his Enemies. Others divine of other Matters. Both Parts have, by their Ambassadors, divers Times prayed the King's Aids: The *French King*, Aids or Neutrality; the *Bretons*, Aids simply; for so their Case requireth. The King, as a Christian Prince, and blessed Son of the Holy Church, hath offered himself, as a Mediator, to treat a Peace between them. The *French King* yieldeth to treat, but will not stay the Prosecution of the War. The *Bretons*, that desire Peace most, hearken to it least; not upon Confidence or Stiffness, but upon Distrust of true Meaning, seeing the War goes on. So as the King, after as much Pains and Care to effect a Peace, as ever he took in any Business, not being able to remove the Prosecution on the one Side, nor the Distrust on the other, caused by that Prosecution, hath let fall the Treaty; not repenting of it, but despairing of it now, as not likely to succeed. Therefore, by this Narrative, you now understand the State of the Question, whereupon the King prayeth your Advice, which is no other, but, Whether he shall enter into an auxiliary and defensive War for the *Bretons* against *France*?

[414] ' And, for the better to open your Understandings in this Affair, the King hath commanded me to say somewhat to you from him, of the Persons that do intervene in this Business; and somewhat of the Consequence thereof, as it hath Relation to this Kingdom; and somewhat of the Example of it in general; making, nevertheless,

‘ nevertheless, no Conclusion or Judgment of any Point, *King Henry VII*
 ‘ untill his Grace hath received your faithful and politic
 ‘ Advices.

‘ First, for the King our Sovereign himself, who is
 ‘ the principal Person you are to eye in this Business;
 ‘ his Grace doth profess that he truly and constantly de-
 ‘ sireth to reign in Peace: But his Grace saith he will
 ‘ neither buy Peace with Dishonour, nor take it up at
 ‘ Interest of Danger to ensue; but shall think it a good
 ‘ Change, if it pleased God to change the inward Trou-
 ‘ bles and Seditions wherewith he hath been hitherto
 ‘ exercised, into an honourable foreign War. And, for
 ‘ the other two Persons in this Action, the *French King*
 ‘ and the Duke of *Bretagne*, his Grace doth declare unto
 ‘ you, that they be the Men unto whom he is, of all
 ‘ other Friends and Allies, most bounden; the one ha-
 ‘ ving held over him his Hand of Protection from the
 ‘ Tyrant, the other having reached forth unto him his
 ‘ Hand of Help, for the Recovery of his Kingdom; so
 ‘ that his Affection toward them, in his natural Person,
 ‘ is upon equal Terms. And whereas you may have
 ‘ heard that his Grace was enforced to fly out of *Bretagne*
 ‘ into *France* for Doubts of being betrayed; his Grace
 ‘ would not in any Sort have that reflect upon the Duke
 ‘ of *Bretagne*, in Defacement of his former Benefits, for
 ‘ that he is thoroughly informed that it was but the
 ‘ Practice of some corrupt Persons about him, during the
 ‘ Time of his Sickness, altogether without his Consent
 ‘ or Privy.

‘ But howsoever these Things do interest his Grace
 ‘ in his Particular, yet he knoweth well that the higher
 ‘ Bond that tieth him to procure, by all Means, the
 ‘ Safety and Welfare of his loving Subjects, doth dis-
 ‘ interest him of these Obligations of Gratitude, other-
 ‘ wise than thus; that if his Grace be forced to make
 ‘ a War, he do it without Passion or Ambition.

‘ For the Consequence of this Action towards this
 ‘ Kingdom, it is as much as the *French King*’s Intention
 ‘ is: For if it be no more but to range his Subjects to
 ‘ Reason, who bear themselves stout upon the Strength
 ‘ of the Duke of *Bretagne*, it is nothing to us: But if
 ‘ it be in the *French King*’s Purpose, (or if it should not
 ‘ be in his Purpose, yet if it shall follow all one as if it
 ‘ were

[415]

King Henry VII. ' were sought) that the *French King* shall make a Province of *Bretagne*, and join it to the Crown of *France*; ' then it is worthy the Consideration, how this may ' import *England*, as well in the Increase of the ' Greatness of *France*, by the Addition of such a Country, that stretcheth his Boughs unto our Seas, as in ' depriving this Nation, and leaving it so naked of so ' firm and assured Confederates as the *Bretons* have ' always been⁹. For then it will come to pass, that ' whereas, not long since, this Realm was mighty upon ' the Continent; first in Territory, and after in Alliance, ' in respect of *Burgundy* and *Bretagne*, which were Confederates indeed, but dependent Confederates; now ' the one being already cast, partly into the Greatness ' of *France*, and partly into that of *Austria*, the other is ' like wholly to be cast into the Greatness of *France*; ' and this Island shall remain confined, in Effect, within ' the Salt-Waters, and girt about with the Coast Countries of two mighty Monarchs.

[416]

' For the Example, it rested likewise upon the same ' Question, upon the *French King's* Intent; for if *Bretagne* be carried and swallowed up by *France*, as the ' World abroad (apt to impute and construe the Actions ' of Princes to Ambition) conceive it will, then it is an ' Example very dangerous and universal, that the lesser ' Neighbour's Estate should be devoured by the greater: ' For this may be the Case of *Scotland* towards *England*; ' of *Portugal* towards *Spain*; of the smaller Estates of ' *Italy* towards the greater; and so of *Germany*; or as if ' some of you of the Commons might not live and dwell ' safely besides some of these great Lords. And the ' bringing in of this Example will be chiefly laid to the ' King's Charge, as to him that was most interested and ' most able to forbid it. But then, on the other Side, ' there is so fair a Pretext on the *French King's* Part, ' (and yet Pretext is never wanting to Power) in regard ' the Danger, imminent to his own Estate, is such, as ' may make this Enterprize seem rather a Work of Necessity than of Ambition, as doth in Reason correct the ' Danger of the Example; for that the Example of that ' which

⁹ It appears by this how much the growing Greatness of *France* was dreaded in those Days; and how much more it is to be feared by *England*, when both these Maritime Dukedoms, of *Burgundy* and *Bretagne*, have been long since annexed to that Crown.

which is done in a Man's own Defence, cannot be dangerous, because it is in another's Power to avoid it. But, in all this Business, the King remits himself to your grave and mature Advice, whereupon he purposeth to rely.

For that which may concern Government at home ; the King hath commanded me to say unto you, That he thinketh there was never any King (for the small Time that he hath reign'd) had greater and juster Cause, of the two contrary Passions of Joy and Sorrow, than his Grace hath. Joy, in respect of the rare and visible Favours of Almighty God, in girding the Imperial Sword upon his Side, and assisting the same his Sword against all his Enemies ; and likewise in blessing him with so many good and loving Servants and Subjects, which have never failed to give him faithful Counsel, ready Obedience, and courageous Defence. Sorrow, for that it hath not pleased God to suffer him to sheath his Sword, (as he greatly desired, otherwise than for Administration of Justice) but that he hath been forced to draw it so oft to cut off traiterous and disloyal Subjects, whom, it seems, God hath left (a few amongst many good) as the *Canaanites* among the People of *Israel*, to be Thorns in their Sides, to tempt and try them ; tho' the End hath been always (God's Name be blessed therefor) that the Destruction hath fallen upon their own Heads.

Wherefore his Grace saith, That he seeth that it is not the Blood spilt in the Field that will save the Blood in the City, nor the Marshal's Sword that will set this Kingdom in perfect Peace ; but that the true Way is, to stop the Seeds of Sedition and Rebellion in their Beginnings ; and, for that Purpose, to devise, confirm, and quicken good and wholesome Laws against Riots and unlawful Assemblies of People, and all Combinations and Confederacies of them, by Liveries, Tokens and other Badges of factious Dependence ; that the Peace of the Land may, by these Ordinances, as by Bars of Iron, be soundly bound in and strengthened, and all Force both in Court, Country, and private Houses, be suppressed. The Care hereof, which so much concerneth yourselves, and which the Nature of the Times doth instantly call for, his Grace commends to your Wisdoms.

And

[417]

King Henry VIII

King Henry VII.

[418]

‘ And beause it is the King’s Desire that this Peace, wherein he hopeth to govern and maintain you, do not bear only unto you Leaves for you to sit under the Shade of them in Safety, but also should bear you Fruit of Riches, Wealth, and Plenty: Therefore his Grace prays you to take into Consideration Matter of Trade, as also the Manufactures of the Kingdom, and to repress the bastard and barren Employment of Monies, to Usury and unlawful Exchanges, that they may be (as their natural Use is) turned upon Commerce, and lawful and Royal Trading. And likewise, that our People be set on Work in Arts and Handicrafts; that the Realm may subsist more of itself, that Idleness be avoided, and the draining out of our Treasure, for foreign Manufactures, stopped. But you are not to rest here only, but to provide further, that whatsoever Merchandize shall be brought in from beyond the Seas, may be employed upon the Commodities of this Land; whereby the Kingdom’s Stock of Treasure may be sure to be kept from being diminished by any over-trading of the Foreigner.

[419]

‘ And, lastly, because the King is well assured that you would not have him poor that wishes you rich, he doubteth not but that you will have Care as well to maintain his Revenues of Customs, and all other Natures, as also to supply him with your loving Aids, if the Case shall so require. The rather, for that you know the King is a good Husband, and but a Steward, in Effect, for the Public; and that what comes from you is but as Moisture drawn from the Earth, which gathers into a Cloud, and falls back upon the Earth again. And you know well how the Kingdoms about you grow more and more in Greatness, and the Times are stirring; and therefore not fit to find the King with an empty Purse. More I have not to say to you; and wish that what hath been said had been better expressed; but That your Wisdoms and good Affections will supply. God bless your Doings.’

It has been observed elsewhere in these Inquiries, that it is no hard Matter to dispose an *English* Parliament to give Money for a War with *France*: But at this Time
it

it was more than ordinarily their Interest to it, in order to prevent the Growth of the *French* Monarchy, and to hinder them from making themselves Masters of the Duchy of *Brittany*; which is full of Sea-ports and Havens, very well situated to do much Mischief to the *English*, either by Invasion or Interruption of Traffic: Wherefore the Parliament not only advised the King to espouse the Cause of the Duke of *Bretagne*, and send him some speedy Aid, but unanimously voted the King a large Supply for that Purpose^r. Accordingly *Robert Lord Brooke* was sent over to his Aid, with a Body of 8000 choice Men, well armed; but it all came to nothing, for the Duke having lost a Battle, and soon after his Life, the *English* Forces were recalled, and the District of *Brittany* was reduced under Subjection to the Crown of *France*; in which State it hath ever since remained.

A large Supply voted for a War with *France*.

But to return to the more private Business of this Session, in regard to the enacting of Laws for the Good of the Commonwealth; for, according to the Lord-Chancellor's Admonition, there were many excellent Laws made this Parliament, and as the King himself had recommended to them. *Lord Bacon* hath very elegantly and judiciously drawn them all up under their several Heads, and we cannot do better than give them in his own Words as follow^s:

[420]

' First, the Authority of the Star-Chamber, which before subsisted by the antient common Laws of the Realm, was confirmed in certain Cases by Act of Parliament. This Court is one of the sagest and noblest Institutions of this Kingdom: For in the Distribution of Courts of Ordinary Justice, (besides the High Court of Parliament) in which Distribution the King's Bench holdeth the Pleas of the Crown; the Common Place, Pleas Civil; the Exchequer, Pleas concerning the King's Revenue; and the Chancery, the Pretorian Power for mitigating the Rigour of Law, in Case

Acts passed this Parliament.

The Star-Chamber first instituted,

VOL. II.

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^r Authors differ much about what this Tax or Subsidy was; *Polydore Vergil* writes, That it was a Poll-Tax; *Tributo in singula Capita imposito*. Old *Fabian*, and, after him, *Hall*, *Hollingshead*, and *Stowe*, say it was a Tenth Penny on all Lands and Goods: But it was more likely the former, because a Poll-Tax was always odious to the People, and raised such a Commotion in the collecting of it.

^s Lord Bacon in *Kennet*, p. 594.

King Henry VII. of Extremity, by the Conscience of a good Man: There was nevertheless always reserved a high and preheminent Power to the King's Council, in Causes that might, in Example or Consequence, concern the State of the Commonwealth; which, if they were Criminal, the Council used to sit in the Chamber, called the Star-Chamber; if Civil, in the White-Chamber, or White-Hall: And, as the Chancery had the Pretorian Power for Equity, so the Star-Chamber had the Censorian Power for Offences, under the Degree of Capital. This Court of Star-Chamber is compounded of good Elements, for it consisteth of four Kinds of Persons; Counsellors, Peers, Prelates, and Chief-Judges. It discerneth also principally of four Kinds of Causes; Forces, Frauds, Crimes various of Stellation, and the Inchoations or middle Acts towards Crimes capital, or heinous, not actually committed or perpetrated. But that which was principally aimed at by this Act was Force, and the two chief Supports of Force, Combination of Multitudes, and Maintenance or Headship of great Persons^t.

[421]

Conspiring the
Death of the
King's Council,

‘From the general Peace of the Country, the King's Care went on to the Peace of the King's House, and the Security of his great Officers and Counsellors: But this Law was somewhat of a strange Composition and Temper, That if any of the King's Servants, under the Degree of a Lord, do conspire the Death of any of the King's Council, or Lord of the Realm, it is made Capital. This Law was thought to be procured by the Lord-Chancellor; who, being a stern and haughty Man, and finding he had some mortal Enemies in Court, provided for his own Safety; drowning the Envy of it in a general Law, by communicating the Privilege with all other Counsellors and Peers, and yet not daring to extend it further than to the King's Servants in Check-Roll, lest it should have been too harsh to the Gentlemen, and other Commons of the Kingdom, who might have

^t It is to be observed that, notwithstanding Lord Bacon's high Character of this new Court of Justice, yet it was looked upon, in a succeeding Reign, as no better than an Act of great Tyranny: though begun by a King *de Facto*, and confirmed by a Parliament. This Court consisted of Counsellors, Peers, Prelates, and Chief Judges; it took Cognizance of Forces, Frauds, Advances towards heinous and capital Crimes, not actually committed.

have thought their antient Liberty and the Clemency of King Henry VII. the Laws of *England* invaded, if the Will, in any Case of Felony, should be made the Deed. And yet the Reason which the Act yieldeth (that is to say, That he that conspireth the Death of Counsellors may be thought indirectly, and by a Means, to conspire the Death of the King himself) is indifferent to all Subjects, as well as to Servants in Court. However it seems this sufficed to serve the Lord-Chancellor's Turn at this Time; but yet he lived to need a general Law, for that he grew afterwards as odious to the Country, as he was then to the Court.

‘ From the Peace of the King’s House, the King’s Care extended to the Peace of private Houses and Families; for there was an excellent moral Law moulded thus: The taking and carrying away Women forcibly, and against their Will, (except Female Wards and bond Women) was made Capital. The Parliament wisely and justly conceiving, that the obtaining of Women by Force into Possession (howsoever afterwards Assent might follow by Allurements) was but a Rape drawn forth in Length, because the first Force drew on all the rest.

[422]

Rapes,

‘ There was made also another Law for Peace in general, and repressing of Murders and Man-Slaughters, and was an Amendment of the Common Laws of the Realm, being this: That whereas, by the Common Law, the King’s Suit, in Case of Homicide, did expect the Year and the Day allowed to the Party’s Suit by Way of Appeal; and that it was found, by Experience, that the Party was many Times compounded with, and many Times wearied with the Suit, so that in the End such Suit was let fall, and by that Time the Matter was in a Manner forgotten, and thereby Prosecution, at the King’s Suit by Indictment, (which is ever best, *flagrante Crimine*) neglected; it was ordained, That the Suit by Indictment might be taken as well at any Time within the Year and the Day, as after, not prejudicing nevertheless the Parties’ Suit.

Murders,

‘ The King began also then, as well in Wisdom as in Justice, to pare a little the Privilege of the Clergy, ordaining, That Clerks convicted should be burnt in the Hand, both because they might taste of some corporal

Privilege of Clergy,

King Henry VII. Punishment, and that they might carry a Brand of Infamy. But, for this good Act's Sake, the King himself was after branded by *Perkin's* Proclamation, for an execrable Breaker of the Rites of Holy Church.

Riots, ' Another Law was made for the better Peace of the Country ; by which Law the King's Officers and Farmers were to forfeit their Places and Holds, in case of unlawful Retainer, or partaking in Riots and unlawful Assemblies.

[423] ' These were the Laws that were made for repressing of Force, which those Times did chiefly require ; and were so prudently framed, as they are found fit for all succeeding Times, and so continue to this Day.

And Usury. ' There was also made good and politic Laws in that Parliament against Usury, which is the Bastard Use of Money ; and against unlawful Chievances and Exchanges, which is Bastard Usury ; and also for the Security of the King's Customs, and for the Employment of the Procedures of Foreign Commodities, brought in by Merchant-Strangers, upon the Native Commodities of the Realm ; together with some other Laws of less Importance.'

An Insurrection in the North, But, notwithstanding those good and salutary Laws were, by the Three Estates, enacted, yet the People were so far from being well reconciled to the Government, that they seemed to watch all Opportunities to rebel against it. Accordingly, when the King's Commissioners came down to levy the Subsidy in *Yorkshire* and the Bishoprick of *Durham*, the Inhabitants began to mutiny ; saying openly, That they had lately endured a thousand Injuries, and that they neither could nor would pay the Tax demanded. This was their Pretence ; but Lord *Bacon* observes that the Refusal did not proceed from any present Necessity, but from the old Humour of those Countries, where the Memory of King *Richard* was so strong, that, like *Lees*, it lay in the Bottom of Men's Hearts ; and if the Vessel was but stirred, it would come up^t. The Commissioners, being somewhat astonished, referred the Matter to the Earl of *Northumberland*, who was the principal Man for Authority in those Parts.

^t Lord *Bacon*, p. 595. — *Hall's Chronicle*, Henry VII. Fol. xvi. — *Grafton*, p. 807, &c.

Parts. The Earl instantly informed the Court of it, King Henry VII. and signified in plain Terms how boisterous these Northern People were, and desired the King's Directions about the Affair. *Henry* being, as the Saying is, as stiff as they were sturdy, sent back a peremptory Answer, *That he would not abate one Penny of a Subsidy which had been granted him by Parliament, because it might encourage other Counties to expect the like Release, or Mitigation; but, chiefly, because he would never suffer that the base Multitude should frustrate the Authority of Parliament, wherein their Votes and Consents were included.* [424]

Upon this Dispatch from Court, the Earl assembled the principal Justices and Freeholders of the County, and delivered the King's Mind to them in the very same imperious Language it was sent; which should not have been so, but that, as *Lord Bacon* observes, this harsh Business was unfortunately fallen into the Hands of a harsh Man. In short, it proved fatal to himself; for this Message did not only irritate the People greatly, but made them conceive that the Deliverer of it was the principal Contriver and Persuader of the Council. A Mob, or Rabble of People, rose instantly upon it, and, assailing the Duke in his House at *Topcliff*, in *Yorkshire*, slew him and several of his Servants.

Nor did it stop here; for the Rabble creating for their Leader one *Sir John Egremont*, a factious Person, and one who, for a long Time, had borne the King an Ill-will, being animated also by another Incendiary, a mean Fellow, called *John a Chambre*, who bore a principal Sway amongst them, they broke out into an open Rebellion; and gave out, in flat Terms, that they would march against *King Henry*, and fight for the Maintenance of their Liberties.

When the King was advertised of this new Insurrection, (which, says the Noble Historian, was a Fever which almost took him every Year) according to his Manner, he seemed little troubled at it, but sent down the Earl of *Surrey* with a sufficient Force against the Rebels, who fought with and defeated them, taking Prisoner one of their Leaders, *John a Chambre*; the other, *Sir John Egremont*, found Means to escape into *Flanders* to the Lady *Margaret*, Duchess of *Burgundy*, whose which is supposed to be the Court pressed, [425]

King *Henry VII.* Court was then an Asylum for all the Enemies to King *Henry.*

And the Chiefs
executed.

Soon after this Defeat the King came down to *York*, where *John a Chambre* was executed in great State; for he was hanged upon a Gibbet, raised a Stage higher than a Pair of square Gallows, in the Midst of which it was placed; and, as a Traitor paramount, he was mounted, whilst the chief of his Accomplices were hanged on a lower Story round about him. The rest of the Rebels were pardoned; and the King having well settled these Northern Commotions, return'd to *London*, leaving the Earl of *Surrey* his Lieutenant in those Parts, and Sir *Richard Tunstall* for his principal Commissioner to levy the Subsidy; of which, adds the Noble Historian, he did not remit one Denier. This Insurrection happened in the Year 1489.

At the End of this fourth Year of his Reign, the King thought fit to call another Parliament, but the express Time is not mentioned in *Dugdale*; for the Summons to this, and the Parliaments in the two succeeding Years, are not to be found on the *Rolls*^u. However the *Statute-Books* say it began on the 13th of *January*, Anno Regni 4.

Anno Regni 4.
1489-90.

Lord *Bacon* observes, That the King did not call this Parliament so soon after the last, for any particular Occasion of State; but because the former Parliament being ended somewhat too suddenly, in regard of the Preparation for *Brittany*, he thought he had not remunerated his People sufficiently with good Laws, which evermore was his Retribution for Treasure. But tho' the Style of our Noble Historian be somewhat too stiff for these Times, yet his Matter and Connection are so consonant to this Design, that we shall make no Apology for another long Quotation from him, in his own Words, as follows:

[426]

' The King finding, by the Insurrection in the North, there was Discontentment abroad, in respect of the Subsidy, he thought it good to give his Subjects yet farther Contentment and Comfort in that Kind. Certainly his Times for good Commonwealth's Laws did excel; so

Laws made in
this Parliament.

^u Anno 4. 5. & 6 Hen. VII. *Nulle Summonitiones recordate.* *Dugdale's* Summons to Parliament.

as he may justly be celebrated for the best Law-giver to ^{King Henry VII,} this Nation, after King *Edward I.* For his Laws (who so marks them well) are deep, and not vulgar; not made upon the Spur of a particular Occasion for the present, but out of Providence of the future, to make the Estate of his People still more and more happy, after the Manner of the Legislators in antient and heroical Times.

‘ First, therefore, he made a Law suitable to his own Acts and Times: For as himself had, in his Person and Marriage, made a final Concord in the great Suit and Title for the Crown, so by this Law he settled the like Peace and Quiet in the private Possessions of the Subjects; ordaining, That Fines thenceforth should be final, to conclude all Strangers’ Rights; and that, upon Fines levied and solemnly proclaimed, the Subject should have his Time of Watch for five Years after his Title accrued; which, if he fore-passed, his Right should be bound for ever after; with some Exceptions, nevertheless, of Minors, married Women, and such incompetent Persons.

Relating to
Fines,

‘ This Statute did, in Effect, but restore an antient Statute of the Realm, which was itself also made but in Affirmance of the Common Law. The Alteration had been by a Statute, commonly called *the Statute of Non-Claim*, made in the Time of *Edward III.* And surely this Law was a Kind of Prognostic of the good Peace which, since his Time, hath for the most Part continued in this Kingdom untill this Day: For Statutes of *Non-Claim* are fit for Times of War, when Mens’ Heads are troubled, that they cannot intend their Estate; but Statutes that quiet Possessions are fittest for Times of Peace, to extinguish Suits and Contentions, which is one of the Banes of Peace.

[427]

‘ Another Statute was made, of singular Policy, for the ^{The Soldiery.} Population apparently, and (if it be thoroughly considered) for the Soldiery and Military Forces of the Realm.

‘ Inclosures at that Time began to be more frequent, whereby Arable Land, which could not be manured without People and Families, was turned into Pasture, which was easily rid by a few Herdsmen; and Tenancies for Years, Lives, and at Will, whereupon much of the Yeomanry lived, were turned into Demesnes. This bred a Decay of People, and, by Consequence, a Decay of

King *Henry VII.* of Towns, Churches, Tythes, and the like. The King likewise knew full well, and in nowise forgot, that there ensued withall, upon this, a Decay and Diminution of of Subsidy and Taxes; for the more Gentlemen, ever the lower Books of Subsidies. In remedying of this Inconvenience the King's Wisdom was admirable, and the Parliament's at that Time. Inclosures they would not forbid, for that had been to forbid the Improvement of the Patrimony of the Kingdom; nor Tillage they would not compell, for that was to strive with Nature and Utility: But they took a Course to take away depopulating Inclosures, and depopulating Pasturage, and yet not by that Name, or by any imperious express Prohibition; but by Consequence. The Ordinance was, That all Houses of Husbandry, that were used with 20 Acres of Ground and upwards, should be maintained and kept up for ever; together with a competent Proportion of Land to be used and occupied with them, and in nowise to be sever'd from them; as by another Statute, made afterwards in his Successor's Time, was more fully declared. This, upon Forfeiture, to be taken, not by way of popular Action, but by Seizure of the Land itself, by the King and Lords of the Fee, as to Half the Profits, till the Houses and Lands were restored. By this Means the Houses being kept up, did of Necessity inforce a Dweller; and the Proportion of Land for Occupation being kept up, did of Necessity force that Dweller not to be a Beggar or Cottager, but a Man of some Substance, that might keep Hinds and Servants, and set the Plough on going. This did wonderfully concern the Might and Manhood of the Kingdom, to have Fermes, as it were, of a Standard sufficient to maintain an able Body out of Penury; and did, in Effect, amortize a great Part of the Lands of the Kingdom unto the Hold and Occupation of the Yeomanry, or middle People, of a Condition between Gentlemen and Cottagers or Peasants. Now, how much this did advance the Military Power of the Kingdom, is apparent by the true Principles of War, and the Examples of other Kingdoms; for it hath been held by the general Opinion of Men of best Judgment in the Wars, (howsoever some have varied, and that it may receive some Distinction of Case) that the principal Strength of an Army consisteth in the Infantry or Foot.

And

Inclosures of
Land,

[428]

And to make good Infantry, it requireth Men bred, not King Henry VII. in a servile or indigent Fashion, but in some free and plentiful Manner: Therefore, if a State run most to Noblemen and Gentlemen, and that the Husband-Men and Plough-Men be but as their Work-Folks and Labourers, or else meer Cottagers, (which are but House-Beggars) you may have a good Cavalry, but never good stable Bands of Foot; like to Coppice-Woods, that if you leave in them Staddles too thick, they will run to Buffes and Briars, and have little clean Under-Wood. And this is to be seen in *France* and *Italy*, and some other Parts abroad; where, in Effect, all is Noblesse or Peasantry. I speak of People out of Towns, and no middle People; and therefore no good Forces of Foot: Infomuch as they are inforced to employ mercenary Bands of *Switzers*, and the like, for their Battalions of Foot: Whereby also it came to pass, that those Nations have much People, but few Soldiers. Whereas the King saw that, contrariwise, it would follow, that *England*, though much less in Territory, yet should have infinitely more Soldiers of their native Forces, than those other Nations have. Thus did the King secretly sow *Hydra's* Teeth, wherefrom (according to the Poet's Fiction) should rise up armed Men for the Service of the Kingdom.

[449]

‘The King also, (having Care to make his Realm The Wine Trade, potent, as well by Sea as by Land) for the better Maintenance of the Navy, ordained, That Wines and Woads, from the Parts of *Gascoigny* and *Languedoc*, should not be brought but in *English* Bottoms; bowing the antient Policy of this Estate, from Consideration of Plenty to Consideration of Power. For that almost all the antient Statutes incite by all Means Merchant-Strangers to bring in all Sorts of Commodities; having for End Cheapness, and not looking to the Point of State concerning the Naval Power.

‘The King also made a Statute in that Parliament Monitory and Minatory, towards Justices of Peace, Justices of Peace, that they should duly execute their Office; inviting Complaints against them, first to their Fellow-Justices, then to the Justices of Assize, then to the King or Chancellor; and that a Proclamation, which he had published of that Tenor, should be read in open Sessions four Times

King Henry VII. Times a Year, to keep them awake : Meaning also to have his Laws executed, and thereby to reap either Obedience or Forfeitures, (wherein towards his latter

[430] Times he did decline too much to the Left Hand) he did ordain Remedy against the Practice that was grown in Use, to stop and damp Informations upon Penal Laws, by procuring Informations by Collusion to be put in by the Confederates of the Delinquents, to be faintly prosecuted, and let fall at Pleasure, and pleading them in bar of the Informations which were prosecuted with Effect.

Penal Laws,

Coinage,

‘ He made also Laws for the Correction of the Mint and counterfeiting of foreign Coin current : And that no Payment in Gold should be made to any Merchant-Stranger, the better to keep Treasure within the Realm ; for that Gold was the Metal that lay in least Room.

Woollen Manufacture,

‘ He made also Statutes for the Maintenance of Drapery, and the keeping of Woolls within the Realm ; and not only so, but for stinting and limiting the Prices of Cloth ; one for the finer, and another for the coarser Sort. Which I note, both because it was a rare Thing to set Prices by Statute, especially upon our Home-Commodities ; and because of the wise Model of the Act, not prescribing Prices, but stinting them not to exceed a Rate, that the Clothier might drape accordingly as he might afford.

‘ Divers other good Statutes were made that Parliament ; but these were the Principal. And here I do desire those, into whose Hands this Work shall fall, that they do take in good Part my long insisting upon the Laws that were made in this King’s Reign ; whereof I have these Reasons : Both because it was the preheminent Virtue and Merit of this King, to whose Memory I do Honour ; and because it hath some Correspondence to my Person ; but chiefly, because (in my Judgment) it is some Defect even in the best Writers of History, that they do not often enough summarily deliver and set down the most memorable Laws that passed in the

[431] Times whereof they write, being indeed the principal Acts of Peace : For tho’ they may be had in original Books of Law themselves ; yet that informeth not the Judgment of Kings and Counsellors, and Persons of Estate, so well as to see them described, and entered in the Table and Pourtrait of the Times.’

Monf. *Rapin* takes no Manner of Notice of this Par-^{King Henry VII.}liament. His Annotator hath given us the Heads of some more Statutes made in it; but there were still others, in Reference to the Church, which are not taken Notice of by Lord *Bacon*; but are what we think proper just to mention.

First, An Act was passed, ‘ That all Letters Patent Religious Houses granted to any Religious Houses, for discharging them from the Payment of Tythes, should be void and of no Effect.

Next, ‘ Because People were emboldened by the Benefit of the Clergy, to commit Murder, Robbery, &c. Murder and Robbery. To prevent this Inconvenience, this Privilege is restrained to the first Offence, and new Penalties enacted against Offenders in such Cases *.’

We have now a Gap of Time for three Years before we meet with an Account of another Parliament; in which Interval, the Exigencies of State had rendered it absolutely necessary to have a Quarrel with *France*.

We shall pass over some Altercations, in the Noble Historian, between *Henry* and the *French King*, tending more towards shewing a deeper Reach in Politics, than any real Design to enter into an actual War with each other. A more particular Account of which will be as well seen in the Proceedings of the next Parliament; Anno Regni 7. 1492. which the King found himself obliged to call by Writs, bearing Date at *Westminster*, August 12, to meet at the same Place on the 17th of *October* following. At *Westminster*.

The first Writ to the Peers is directed to his most dear first-born Son *Arthur*, Prince of *Wales*, &c. a Child then about two Years of Age. [432]

At the Time appointed, being all assembled as usual, the King himself spoke to them, from the Throne, in these Words:

My Lords, and you the Commons,

WHEN I purposed to make a War in Brittany by my The King's Lieutenant, I made Declaration thereof to you by Speech at opening the Session, my Chancellor; but now that I mean to make a War upon France in Person, I will declare it to you myself. That War

* Statutes 4 Henry VII. cap. v. xiii. Collier's Eccles. Hist. p. 703.

† Dugdale's Summons, Anno 7 Henry VII. p. 480.

King Henry VII. *War was to defend another Man's Right, but This is to recover our own; and That ended by Accident, but we hope This shall end in Victory.*

The French King troubles the Christian World. That which he hath is not his own, and yet he seeketh more. He hath invested himself of Brittany. He maintaineth the Rebels in Flanders, and he threateneth Italy. For ourselves, he hath proceeded from Dissimulation to Neglect, and from Neglect to Contumely. He hath assailed our Confederates; he denieth our Tribute. In a Word, he seeks War; so did not his Father, but sought Peace at our Hands; and so perhaps will he, when good Counsel, or Time, shall make him see as much as his Father did.

Mean while, let us make his Ambition our Advantage; and let us not stand upon a few Crowns of Tribute or Acknowledgement, but (by the Favour of Almighty God) try our Right for the Crown of France itself; remembering that there hath been a French King Prisoner in England, and a King of England crowned in France. Our Confederates are not diminished. Burgundy is in a mightier Hand than ever, and never more provoked. Brittany cannot help us, but it may hurt them. New Acquests are more Burden than Strength. The Malecontents of his own Kingdom have not been base, popular, nor titular Impostors; but of an higher Nature. The King of Spain (doubt ye not) will join with us, not knowing where the French King's Ambition will stay. Our Holy Father the Pope likes no Tramontanes in Italy. But howsoever it be, this Matter of Confederates is rather to be thought on than reckoned on; for God forbid but England should be able to get Reason of France without a Second.

At the Battles of Cressly, Poitiers, Agincourt, we were of ourselves. France hath much People and few Soldiers. They have no stable Bands of Foot. Some good Horse they have; but those are Forces which are least fit for a defensive War, where the Actions are in the Assailants' Choice. It was our Discords only that lost France; and (by the Power of God) it is the good Peace which we now enjoy, that will recover it. God hath hitherto blessed my Sword. I have, in this Time that I have reigned, weeded out my bad Subjects and tried my good. My People and I know one another, which breeds Confidence. And

if

if there should be any bad Blood left in the Kingdom, an King Henry VII. *honourable foreign War will vent it, or purify it. In this great Business let me have your Advice and Aid. If any of you were to make his Son Knight, you might have Aid of your Tenants by Law. This concerns the Knight-hood and Spurs of the Kingdom, whereof I am Father; and bound not only to seek to maintain it, but to advance it. But for Matter of Treasure, let it not be taken from the poorer Sort; but from those to whom the Benefit of the War may redound. France is no Wilderness; and I, that profess good Husbandry, hope to make the War, after the Beginnings, to pay itself. Go together in God's Name, and lose no Time; for I have called this Parliament wholly for this Cause.*

Lord Bacon observes, 'That the Parliament took Fire immediately at this Speech, being ever affectionate to a War with France; but at this Time the more so, in order to repair the Dishonour they thought the King had sustained by the Loss of Brittany.

[434]

'Therefore they advised the King, with great Alacrity, to undertake the War of France. And although the Parliament consisted of the First and Second Nobility, together with the principal Citizens and Townsmen, yet worthily and justly respecting more the People, whose Deputies they were, than their own private Persons; and finding, by the Lord-Chancellor's Speech, the King's Inclination that Way, they consented that Commissioners should go forth, for the gathering and levying of a Benevolence from the more able Sort. This Tax, called Benevolence, was devised by Edward IV. for which he sustained much Envy. It was abolished by Richard III. by Act of Parliament, to ingratiate himself with the People; and it was now revived by this King, but with Consent of Parliament; for so it was not in the Time of King Edward IV. But by this Way he raised exceeding great Sums; insomuch as the City of London, in those Days, contributed 9000*l.* and better, and that chiefly levied upon the wealthier Sort. There is a Tradition of a Dilemma that Bishop Morton, the Chancellor, used to raise up the Benevolence to higher Rates; some called it his Fork, and some his Cratch; for he had couched an Article in the Instructions

A War with France resolved on.

A Benevolence granted by Parliament.

King Henry VII. Instructions to the Commissioners, who were to levy the *Benevolence*, That, if they met with any that were sparing, they should tell them that they must needs have, because they laid up ; and, if they were Spenders, they must needs have, because it was seen in their Port and Manner of living. So neither Kind came amiss.

[435]

‘ This Parliament was merely a Parliament of War ; for it was in Substance but a Declaration of War against *France* and *Scotland*, with some Statutes conducing thereunto ; as the severe punishing of Mortpays, and keeping back of Soldiers Wages by Captains ; the like Severity for the Departure of Soldiers without Licence ; strengthening of the Common Law in Favour of Protections, for those that were in the King’s Service ; and the setting the Gate open and wide for Men to sell or mortgage their Lands without Fines for Alienation, to furnish themselves with Money for the War ; and, lastly, the avoiding of all *Scotsmen* out of *England*. There was also a Statute for the dispersing of the Standard of the Exchequer throughout *England*, thereby to size Weights and Measures, and two or three more of less Importance.’

Old *Fabian*, an Historian in these very Times, mentions the Sum which the City of *London* was obliged to pay to this *Benevolence*, more particularly than Lord *Bacon*. He says, ‘ That this Year, 1492, a great *Benevolence* was granted the King for his Journey into *France* ; towards which the Company of Drapers gave more than any other Fellowship in the City. Every Alderman then in Being, *nolente volente*, paid 200*l.* over and above the Sum that was given from the Chamber of *London*, which amounted to 9682*l.* 17*s.* 4*d.* A mighty Sum in those Days, when, the same Author tells us, that a Bushel of Wheat was sold this very Year for 22*d.* but two Years after for 6*d.*’ Other Chronicles tell us, That the King was willing to ease his lower Kind of Subjects from Taxations, knowing very well the Difficulty of raising the last, and therefore fell upon this Way of a *Benevolence* from the richer Sort : But published at the same Time, That he should measure the Depth of each Man’s Affection to him by the Largeness or Smallness of the Gift. This Way of gathering Money, as

observed

observed above, was first invented by King *Edward IV.* King Henry VII. but condemned in Parliament in the first of *Richard III.* [436] however, *Henry* thought fit to revive it, with the Consent of this Parliament, and great Sums of Money were collected by these Means, though not without some Grudges from the Donors.

Hall^b makes a very pertinent Remark upon the Occasion: ‘By this, says he, a Man may perceive that what is once practised for the Utility of a Prince, and brought to a Precedent by Matter of Record, may be turned to the great Prejudice of the People, if Rulers, in Authority, will so adjudge and determine it.’

Mighty Preparations and Levies were now made for the *French War*, and the King actually embarked with them at *Sandwich*, *October 6*, and the same Day he landed at *Calais*. Afterwards *Henry* besieged *Boulogne* in Form; but there he received such Overtures of a Peace from the *French King*, as were very acceptable to him; and *Money*, the Idol which *Henry* always worshipped, soon brought it to a Conclusion. In short, the Price of a Peace was stated on one Side, and agreed to on the other, by which *Henry* filled his Coffers; but it was by the emptying of a great many of the Purses of the Nobility and principal Persons in the Army, who had many of them sold or engaged their Estates upon the Hopes of this War^c. These stuck not to say, ‘That the King had made good what he had said in Parliament, *That, after the War was once begun, he doubted not but to make it pay itself*; and he had kept his Promise accordingly.’

But though the Act for enabling Persons to sell or mortgage their Estates proved so pernicious to the Nobility at that Time, and their Posterity after them, yet it has proved of infinite Service to the Commons of *England*; who, by these Means, have purchased, and do now enjoy, many Estates which antiently belonged to the chief Nobility of the Kingdom. And, by thus weakening their Powers, Vassalage was taken off, and *Henry’s* Title, which chiefly lay in the People, greatly strengthened.

Soon

^b *Chron.* Fol. 22.

^c *Henry* received from the *French King*, in ready Money, 745,000 Ducats, which amounts to 186,250 *l. English*; and a Pension, or Tribute, of 25,000 Crowns yearly. *J. Speed*, p. 737.

King Henry VII. Soon after the King's Return from his extraordinary Winter Campaign into *France*, another Conspiracy broke out against him; which had like to have proved of worse Consequence than any that hitherto happened. *Margaret*, Duchess of *Burgundy*, Sister to *Edward IV.* was a Princess that watched all Opportunities to disturb *Henry's* Repose, and had now spirited up one *Perkin Warbeck*, a bold and comely Youth, to personate *Richard Duke of York*, said to have been murdered with his Brother in the Tower. To the Noble Historian, and the more general Histories, we must refer our Readers for the Particulars of this Affair; which continued in Agitation some Years before it was entirely quelled^d.

In the Midst of these Commotions, *Henry* thought fit to call another Parliament; the Writs of Summons bearing Date at *Westminster*, September 15, for a Parliament to meet at the same Place on the 14th of *October* following; which is scarce a Month's Notice^e.

Anno Regni II.
1497.

At Westminster.

[438]

It were to be wished that the Noble Historian would have introduced this Parliament with the same Solemnity as he did the last, with a Speech from the Throne, &c. However, what he does say relating to the Proceedings, since he is our principal Guide, take in his own Phrase and Manner as follows :

Acts passed.

‘ This Year also the King called his Parliament; where many Laws were made, of a more private and vulgar Nature than ought to detain the Reader of an History. And it may be justly suspected, by the Proceedings following, that as the King did excel in good Commonwealth Laws, so nevertheless he had, in secret, a Design to make use of them, as well for collecting of Treasure, as for correcting of Manners; and so, mean-
ing

^d In the Year 1496, King *Henry* granted Licence to one *John Cabot*, a Citizen of *Venice*, and his three Sons, *Lewis*, *Sebastian*, and *Sancho*, with five Ships, &c. to sail to the *West-Indies*, and make Discoveries of Lands and Countries, as the Record says; *Quæ Christianis omnibus ante hæc Tempora fuerunt incognitæ*. The King was to have one Fifth of the Money and Merchandizes they gained by this Voyage. *Fæd. Ang. Tom. XII. p. 597.*

^e *Dugdale's Summons*, Anno 11 *Henry VII.* p. 481. There is a very great Mistake in *Kenner's* Marginal Dates of Years, in his Edition. *Lord Bacon* says expressly, That this Parliament was called in the eleventh Year of this King, which was Anno 1497; the Notes, all along, make it only 1495 and 1496, p. 612, &c. *M. Rapin* has fallen into the same Error. *Fabian* mentions a Parliament held at *Westminster*, in the Year 1494.

ing thereby to harrow his People, did accumulate them *King Henry VII.*
the rather.

‘ The principal Law that was made this Parliament, was a Law of a strange Nature ; rather just than legal, and more magnanimous than provident. This Law did ordain, That no Person that did assist in Arms, or otherwise, the King for the Time being, should afterward be impeached therefor, or attainted, either by the Course of the Law, or by Act of Parliament : But, if any such Act of Attainder did happen to be made, it should be void, and of none Effect ; for that it was agreeable to Reason of Estate that the Subject should not inquire of the Justness of the King’s Title or Quarrel, and it was agreeable to good Conscience, that, whatsoever the Fortune of the War was, the Subject should not suffer for his Obedience. The Spirit of this Law was wonderfully pious and noble ; being like, in Matter of War, unto the Spirit of *David* in Matter of Plague, who said, *If I have sinned, strike me ; but what have these Sheep done ?* Neither wanted this Law Parts of prudent and deep Forefight ; for it did the better take away Occasion for the People to busy themselves to pry into the King’s Title ; for that howsoever it fell, their Safety was already provided for. Besides, it could not but greatly draw unto him the Love and Hearts of the People, because he seemed more careful for them than for himself : But yet, nevertheless, it did take off from his Party that great Tie and Spur of Necessity, to fight and go Victors out of the Field ; considering their Lives and Fortunes were put in Safety, and protected, whether they stood to it or ran away. But the Force and Obligation of this Law was in itself illusory, as to the latter Part of it, by a precedent Act of Parliament, to bind or frustrate a future. For a supreme and absolute Power cannot conclude itself, neither can that which is in Nature revocable be made fixed ; no more than if a Man should appoint or declare by his Will, that if he made any latter Will it should be void. And, for the Case of the Act of Parliament, there is a notable Precedent of it in *King Henry the Eighth’s* Time ; who, doubting he might die in the Minority of his Son, procured an Act to pass, *That no Statute made during the Minority of the King, should bind him or his Successors, except it were confirmed*

[439]

King Henry VII. by the King under his Great Seal, at his full Age. But the first Act that passed in King Edward the Sixth's Time, was an Act of Repeal of that former Act; at which Time, nevertheless, the King was a Minor. But Things that do not bind may satisfy for the Time.

There was also made a shoaring or under-propping Act for the *Benevolence*, to make the Sums which any Person had agreed to pay, and nevertheless were not brought in, to be leviabie by a Course of Law. Which Act did not only bring in the Arrears, but did indeed countenance the whole Business, and was pretended to be made at the Desire of those that had been forward to pay^f.

[440]

In this Parliament also was made that good Law, which gave the Attaint upon a false Verdict between Party and Party, which before was a kind of Evangile, irremediable. It extends not to Causes capital, as well because they are for the most Part at the King's Suit, as because in them, if they be followed in Course of Indictment, there passeth a double Jury, the Indictors and the Triers; and so not twelve Men, but four-and-twenty. But it seemeth that was not the only Reason; for this Reason holdeth not in the Appeal; but the great Reason was, lest it should tend to the Discouragement of Jurors in Cases of Life and Death, if they should be subject to Suit and Penalty, where the Favour of Life maketh against them. It extendeth not also to any Suit, where the Demand is under the Value of 40*l.* for that in such Cases of petty Value it would not quit the Charge to go about again.

There was another Law made against a Branch of Ingratitude in Women, who having been advanced by their Husbands, or their Husbands' Ancestors, should alien, and thereby seek to defeat the Heirs, or those in Remainder, of the Lands whereunto they had been so advanced. The Remedy was, by giving Power to the next to enter for a Forfeiture.

There was also enacted that charitable Law, for the Admission of poor Suitors *in Forma Pauperis*, without Fee, to Counsellor, Attorney, or Clerk; whereby

^f This Act brought in still very large Sums to the King's Coffers. The Arrears being very considerable, because the War with *France* having lasted not long, many Persons had declined to pay either in full, or in Part. It appears by the *Public Acts*, that the Archbishop of *Canterbury* was indebted 1500*l.* Sterling. *Fæd. Ang.* Tom. XII. p. 632.

poor Men became rather able to vex, than unable to sue. *King Henry VII.*

There were divers other good Laws made that Parliament, as we said before; but we still observe our Manner, in selecting out those that are not of a vulgar Nature &.

Though, in the Acts of this Parliament, there is no Mention made of the Opposition then on Foot, whether out of Policy, or not, is uncertain; or whether the King thought it below him then to trouble the Houses about it; yet it is certain that, stout and wise as he was, he was not without his Apprehensions. The Impostor had prevailed upon the King of *Scots* to espouse his Quarrel, who actually invaded *England* the next Year; and *Henry* found himself obliged, at last, to lay the Affair before a Parliament, which was summoned to meet at *Westminster*, on *January* 16, in the twelfth Year of his Reign.

[441]

Anno Regni 12.
1498.

At *Westminster*.

Lord *Bacon* says, ‘ That the Winter following the King called his Parliament; where, in a Speech from the Throne, he did much exaggerate both the Malice and the cruel predatory War lately made by the King of *Scotland*: ‘ That this King being in Amity with him, ‘ and no ways provoked, should so burn in Hatred towards him, as to drink of the Lees and Dregs of *Perkin’s* Intoxication, who was every where else detected ‘ and discarded. And that when he perceived it was ‘ out of his Reach to do the King any Hurt, he had ‘ turned his Arms upon unarmed and unprovided People, ‘ to spoil only and depopulate, contrary to the Laws ‘ both of War and Peace: Concluding, That he could ‘ neither with Honour, nor with the Safety of his People, ‘ to whom he did owe Protection, let pass these Wrongs ‘ unrevenged.’ The Parliament understood him well, and gave him a Subsidy, limited to the Sum of 120,000 *l.* besides two Fifteenths; for his Wars were always to him as a Mine of Treasure, of a strange Kind of Ore, Iron at the Top, and Gold and Silver at the Bottom. At this Parliament (for that there had been so much Time spent in making Laws the Year before, and for that it was called purposely in respect of the *Scots* War) there were no Laws made to be remembered. Only there passed a Law, at the Suit of the Merchant-Adventurers of *England*, against the Merchant-Adventurers of

The King lays before the Parliament the Imposture of *Perkin Warbeck*.

A Subsidy granted.

[442]

King Henry VII. *London*, for monopolizing and exacting upon the Trade; which it seemeth they did, a little to save themselves, after the hard Time they had sustained by Want of Trade. But those Innovations were taken away by Parliament.

The Subsidy granted this Parliament, according to *Fabian*, was two Tenths and a Half, two Aids and two Fifteenths, in order to raise the Sum of 120,000 *l.* for the *Scots War*. The King borrowed also of the City of *London* 4000 *l.* but *Hall* and *Hollingshead* both say, That tho' this Subsidy, now granted, was not great, yet the common People grudged much to pay it, always hating such Taxes and Exactions.

The *French* Jesuit remarks, That *Henry* loved Money so well, that he made a Trade of both Peace and War to gain it; selling the former to Strangers, and the latter to his own Subjects. Under this Precaution, adds this Author, the *English* Nation, the least tractable of all Nations in paying Taxes to their Kings, are always on their Guard against him when he goes upon that Article^b. And, indeed, no sooner this Subsidy began to be levied in *Cornwall*, but the *Cornish* Men rose in an actual Rebellion against it, under the Leading of one *Flammock*, a Lawyer, and one *Michael Joseph*, a Blacksmith. These Captains marched their Followers towards *Kent*, and at *Wells* were joined by *James Touchet*, Lord *Audley*; who, to the great Joy of the Insurgents, accepted of the sole Command over them. From *Welles* they marched to *Blackheath*, where the King's Forces met and defeated them without much Trouble; the Lord *Audley* and the other Leaders were taken Prisoners, and soon after executed.

A Rebellion in
Cornwall.

[443]

Not long after the Conclusion of the last Parliament, *Perkin's* Affairs came to a Crisis; and, after many Struggles to subvert the present Government, he was taken at last, and committed Prisoner to the Tower; from whence, not long after, he was drawn to *Tyburn*, and there executed. But tho' this Execution may be said to be just enough, another followed soon after, which must carry an eternal Stain of Infamy. *Edward Plantagenet*,
Son

Perkin executed.

^b Le Peuple Anglois, le moins docile de tout le Peuples a payer des Subsidies a ses Rois, etoit toujours en Garde contre luy quand il s'agissoit de cet Article. Histoire de Revol. d'Angleterre, par Pere D'Orleans, Tom. II. p. 336.

Son to *George Duke of Clarence*, who had been a Pri-King *Henry VII.* soner almost from his Cradle, was now thought proper to be sacrificed to the Policy of the Times¹. A Mar-^{Edward Planta-}riage was then transacting between Prince *Arthur*, King ^{Death.} *Henry's* eldest Son, and the Princess *Katherine*, Daughter to *Ferdinand* and *Isabella*, King and Queen of *Spain*. The *Spanish* Court objected to the Match, because *Henry's* Title might be yet disputed whilst a Male Heir of the House of *York* was still living. *Henry* soon removed that Obstacle; and, on a feigned Accusation, had the poor Prince arraigned and executed. But, though the Marriage took Place upon this, yet it proved a very un-^{Arthur Prince}happy one to the Princess. Prince *Arthur* died, as is ^{Wales married} said, before Consummation; and the Princess being afterward married to *Henry* the King's second Son, was, after twenty Years Cohabitation, divorced from him. On the Declaration of which the unhappy Queen used this remarkable Expression, *That she had not offended; but that it was a Judgment of God, for that her former Marriage was made in Blood.*

The last Insurrection of *Perkin*, by only personating *Richard Duke of York*, shews how long the Claims of the two Houses of *York* and *Lancaster* had tore this Nation almost to Pieces: It may be said to have commenced at the Beginning of the last Century, and continued, by Intervals, to the End of it. Of such fatal Consequences to Kingdoms are disputed Titles and Successions, says a *French* Author; other Evils may be redressed or forgot in a short Time; but the Evil of this lasts for Ages^k,

But now *Henry*, being freed from all his Enemies, set himself earnestly to indulge his favourite Passion of Avarice; and, to that End, made Use of very scandalous Ways and Means; of which the Noble Historian is full of Instances. But it was not till seven Years after the last, that he thought fit to summon another Parliament; a larger Space of Time from calling those Assemblies than we have met with in many preceding Reigns. The Summons to this Parliament is not on Record, or at

[444]

F f 3

least

¹ *Hall* writes, That this poor Prince was kept close Prisoner, almost from the Sight of Men, but especially of Birds and Beasts, inasmuch that he could not tell a Goose from a Capon. An. 15 Hen. VII. Fol. 1.

^k *La Vie de Margarete D'Anjou, Reine d'Angleterre, par Baudier.*

King *Henry VII.* least is not in *Dugdale*; but our *Statute-Books* inform us that it met on the 16th of *January*, in the 19th Year of this Reign.

Anno Regni 19.
1505.
At *Westminster.* The King's Pretence in assembling this Parliament, was the Necessity of reviving certain Statutes and making some new ones: But the real Motive was to demand a Subsidy for his eldest Daughter's Dowry, just then married to the King of *Scots*. The Custom of demanding Money on such Occasions, says *Rapin*¹, was too advantageous to this King to suffer it to be abolished. The new Queen's Portion was but 30,000 Nobles; but the Subsidy granted may be well thought more considerable, besides a handsome Present made by the Clergy on the same Account; so that instead of emptying his Coffers, by the Marriage of his Daughter, he filled them the fuller for it.

Old *Fabian*, whose Chronicle ends in the last Year of this King, informs us that it was not a Subsidy, but only an Aid of 36,000 *l.* that was granted; though he does not tell us whether it was on the Marriage of the Princess or not.

EDMUND DUD-
LEY, Esq; cho-
sen Speaker.

[445]

Lord *Bacon* begins his Account of the Proceedings in this Parliament with observing, 'That a Man may easily guess how absolute the King took himself to be with his Parliament, when his Creature *Dudley*, that was so odious to the Public, was made Speaker of the House of Commons. He tells us, That there were not any memorable Statutes made in it relating to public Government; and those that were passed, had still a Stamp of the King's Wisdom and Policy; that is, of his Craft and Avarice. The Noble Historian hath given us so full a View of this King's unjust Exactions, drawn up in a very few Words, at the End of his Account of the Acts made in this Parliament, that it cannot be unacceptable to our Readers.

Laws enacted.

'There was a Statute made for the disannulling of all Patents of Lease or Grant, to such as came not upon lawful Summons, to serve the King in his Wars against his Enemies or Rebels, or that should depart without the King's Licence; with an Exception of certain Persons of the Long Robe: Providing nevertheless, that they should have the King's Wages, from their House,

till

till their Return Home again. There had been the like ^{King Henry VII.} made before for Offices, and by this Statute it was extended to Lands. But a Man may easily see by many Statutes made in this King's Time, that the King thought it safest to assist Martial Law by Law of Parliament.

‘ Another Statute was made, prohibiting the bringing in of Manufactures of Silk wrought by itself, or mixed with any other Thread: But it was not of Stuffs of whole Piece, (for that the Realm had of them no Manufacture in Use at that Time) but of knit Silk, or Texture of Silk; as Ribbands, Laces, Cawls, Points, Girdles, &c. which the People of *England* could then well skill to make. This Law pointed at a true Principle; that where foreign Materials are but Superfluities, foreign Manufactures should be prohibited; for that will either banish the Superfluity or gain the Manufacture.

‘ There was a Law also of Resumption of Patents of Goals, and the re-annexing of them to the Sheriffs; privileged Officers being no less an Interruption of Justice than privileged Places.

[446]

‘ There was likewise a Law to restrain the Bye-Laws or Ordinances of Corporations, which many Times were against the Prerogative of the King, the Common Law of the Realm, and the Liberty of the Subject, being Fraternities in Evil: It was therefore provided, That they should not be put in Execution, without the Allowance of the Chancellor, Treasurer, and the two Chief Justices, or three of them, or of the two Justices of Circuit where the Corporation was.

‘ Another Law was, in Effect, to bring in the Silver of the Realm to the Mint, in making all clipped, diminished, or impaired Coins of Silver ^m, not to be current in Payments, without giving any Remedy of Weight, but with an Exception only of a reasonable Wearing, which was as nothing in respect of the Uncertainty; and so, upon the Matter, to set the Mint on Work, and to give Way to new Coins of Silver, which should be then minted.

‘ There was likewise a long Statute against Vagabonds, wherein two Things may be noted; the one, the

Dislike

^m Groats, Half Groats, and Shillings with Half Faces. *Fab.*

King Henry VII. Dislike the Parliament had of Goaling of them, as that which was chargeable, pesterous, and of no open Example; the other, that, in the Statutes of this King's Time, (for this of the 19th Year is not the only Statute of that Kind) there are ever coupled the Punishment of Vagabonds, and the forbidding of Dice and Cards, and unlawful Games, unto Servants and mean People, and the putting down and suppressing of Alehouses, as Strings of one Root together, and as if the one were unprofitable without the other.

[447] 'As for Riot and Retainers, there passed scarce any Parliament in this Time without a Law against them, the King ever having an Eye to Might and Multitude.

'There was granted also, in that Parliament, a Subsidy both for the Temporality and the Clergy: And yet nevertheless, e'er the Year expired, there went out Commissions for a general Benevolence, though there were no Wars, no Fears. The same Year the City gave 5000 Marks for Confirmation of their Liberties; a Thing fitter for the Beginnings of Kings' Reigns, than the Latter Ends. Neither was it a small Matter that the Mint gained upon the late Statute, by the Re-coinage of Groats and Half-Groats, now Twelvecences and Sixpences. As for *Empson* and *Dudley's* Mills, they did grind more than ever; so that it was a strange Thing to see what Golden Showers poured down upon the King's Treasury at once. The last Payments of the Marriage-Money from *Spain*; the Subsidy; the Benevolence; the Re-coinage; the Redemption of the City's Liberties; the Casualties. And this is the more to be marvelled at, because the King had then no Occasions at all of Wars or Troubles. He had now but one Son and one Daughter unbestowed; he was wise; he was of an high Mind; he needed not to make Riches his Glory: He did excell in so many Things else; save that certainly Avarice doth ever find in itself Matter of Ambition. Belike he thought to leave his Son such a Kingdom, and such a Mass of Treasure, as he might chuse his Greatness where he would ^m.

Henry's excessive Avarice.

His Death and Character.

This was the last Parliament called in the Reign of *Henry VII.* who lived not three Years after the Dissolution of it. He died at *Richmond*, in *Surrey*, *April 22*, 1508,

1508, in the 52d Year of his Age, and the 23d of his Reign.

The *French* Jesuit, before quoted, having drawn up this Prince's Character in a very sublime and copious Manner, we are persuaded that a translated Abstract of it cannot be improper to conclude this Reignⁿ.

[448]

After mentioning his excessive Avarice in the Accumulation of Riches, by Means of his two chief Solicitors, *Empson* and *Dudley*, he adds, ' That, notwithstanding this, *Henry* was a great Prince, of a superior and solid Sense, of approved Valour, profound Politics, and of great Application to public Affairs; making War with Conduct, without loving of it; and affecting Peace without seeming to demand it. Lively and active, but always circumspect; knowing better than any other Prince the real and solid Interest of his State, and the Alliances agreeable to it. No King of *England* ever knew better the Secret how to make the Royal Prerogative and the People's Privileges consonant to each other; nor the Temper he ought to keep to be Master of the Parliament, without seeming to force a Compliance from them. He had neither Favourites nor Mistresses; paid all due Respect to his Mother, loved his Wife, and educated his Children well; but never let his Family concern themselves with the State. In the Command of his Armies, and the Management of public Affairs, he always employed Men of Quality, rather than other Men; but he ever preferred the ablest and most deserving of them.

' In short, he did Abundance for a Prince that passed from Exile to a Throne; who had found the Kingdom torn to Pieces, as it were, by a long and bloody Civil War, carried on by two great Factions, and to leave it peaceable throughout. To begin a new Royal Family, and in the Person of his second Son, *Henry*, who, after the Death of *Arthur*, was Prince of *Wales*, to leave a Successor every Way agreeable to all his Subjects; his eldest Daughter, *Margaret*, married to the King of *Scots*; and his youngest, *Mary*, betrothed to the then Archduke of *Austria*, whom, at that Time, so many Kings regarded.'

[449]

TAXES.

[450] *TAXES during the Reign of King HENRY VII.*

IN his third Year a large Supply was granted him for a War with *France* ; but the Value of it uncertain.

In his 7th Year a Benevolence was granted by Parliament for the same Purpose.

In his 11th Year the remaining Arrears thereof were collected to the full.

The next Year he had a Subsidy of 120,000 *l.* besides two Fifteenths.

In his 19th Year he had an Aid of 36,000 *l.* for the Dowry of his eldest Daughter, then married to the King of *Scots*.

And in the same Year a Subsidy in Parliament, both from the Temporality and Clergy ; nevertheless he issued out Commissions for raising a general Benevolence.

The Price of PROVISIONS in the Reign of Henry VII.

[451] **I**N 1485 Wheat sold at 3 *s.* per Bushel, and Bay Salt the same Price. Hay 5 *s.* per Load.

In 1489 Oats at 2 *s.* per Quarter.

In 1491 Wheat 14 *s.* 8 *d.* per Quarter.

In 1493 Oats at 2 *s.* and Beans 3 *s.* 4 *d.* per Quarter.

In 1494 Wheat sold for only 4 *s.* per Quarter, and the next Year only 3 *s.* 4 *d.* but in 1497 it rose to 20 *s.*

In 1498 Hay sold from 8 *s.* 2 *d.* to 10 *s.* and 12 *s.* per Load.

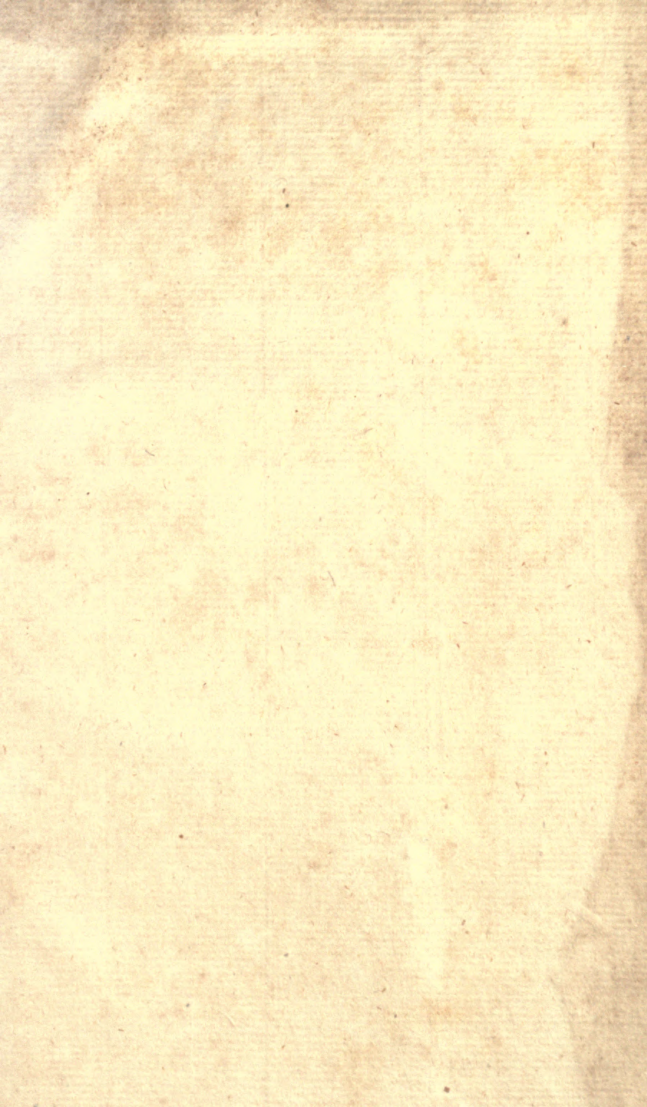
The next Year Wheat sold for 1 *l.* 4 *s.* per Quarter ; and 1504 for 5 *s.* 8 *d.* per Bushel.

The next Year a Load of Hay sold for 6 *s.* and Oats 3 *s.* per Quarter.

In 1506 Oats 2 *s.* and Beans 3 *s.* 8 *d.* per Quarter ; next Year about the same Price.

And in 1508 Oats sold for 1 *s.* 10 *d.* per Quarter,

The END of the SECOND VOLUME,







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